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THE AMERICAN NATION
A HISTORY

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EDITED BY

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THE AMERICAN NATION
A HISTORY

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THE AMERICAN NATION: A HISTORY

VOLUME 18

PARTIES AND SLAVERY

1850–1859

BY

THEODORE CLARKE SMITH, PH.D.

PROFESSOR OF AMERICAN HISTORY IN WILLIAMS COLLEGE

WITH MAPS

NEW YORK AND LONDON

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EDITOR'S INTRODUCTION

THE period from 1851 to 1859 is one of transition, in which the political organizations which had been dominant during the previous thirty years were broken up, and gave place to new crystallizations of voters; and in which also the former political ideas and issues were absorbed in the paramount rivalry of slavery and anti-slavery. To bring out the contrast between the old parties and their aims and the new and imperious issues is the object of Professor Smith's volume.

It was a period of remarkable characters as well as of stirring events; Clay and Webster are just descending on the horizon; Seward, Chase, Douglas, Jefferson Davis, Sumner, Wade, come to the front as the protagonists in Congress and outside. The abolition movement, described in *Slavery and Abolition* (vol. XVI. of the series), gives place to a broader and ever-widening anti-slavery movement, stirred by the fugitive-slave cases and by *Uncle Tom's Cabin*, but kept persistent by the attempts at the extension of slavery into the territories. The southern attitude towards slavery changes from the defensive to the aggressive assertion that slavery was

meritorious. The conditions described by Garrison in *Westward Extension* (vol. XVII. of this series), are also changed: the annexation of Texas and future of New Mexico are no longer disputed; and the controversy shifts to Kansas, and thus involves the long-standing Compromise of 1820.

The book begins after the passage of the Compromise of 1850, which is described in the previous volume, and chapters i. to iii. are given to the finality period and to the attempt to keep slavery out of politics. In chapter iv., Professor Smith traces the appearance of the new generation of public men, who are to remain in power until after the Civil War. Then come two chapters, v. and vi., the first on the internal development of the country by railroad building, the other on the renewed attempts at external expansion by the annexation of Cuba. Chapters vii. to xii. describe the Kansas-Nebraska episode, its effect in breaking up the old parties, the attempt to make a new issue through the Native American movement, and the final result in establishing a national anti-slavery party, which comes near electing its candidate in 1856. Chapter xiii. is on the panic of 1857 and its economic results. Then follows, in chapters xiv. and xv., an account of the Dred Scott decision and of the renewal of the Kansas struggle in the debate over the Lecompton bill, the two chapters illustrating the last attempts to adjust the slavery controversy by the federal judiciary or Congress Chapters xvi.

and xvii. describe the breach between the northern and southern democrats. Then, after one chapter (xviii.) on Buchanan's diplomacy, including schemes of annexation of future slave-holding territory, the text closes with two chapters on the state of mind in the north and in the south, especially with reference to the Union.

The special importance of the volume in the *American Nation* series is that it shows the efforts to prevent the crisis which finally resulted in Civil War, by coming to an understanding as to the future of slavery; and that it reveals the impossibility of reconciling the rival habits of thought on that dividing question.

AUTHOR'S PREFACE

IN the present volume I have endeavored to show how, in the years between 1850 and 1860, the sectional divergence between free and slave states came to permeate law and politics, literature and social intercourse. This result was brought about in spite of the reluctance of the majority of the northern and southern people to admit any such antagonism, and over the persistent opposition of public leaders who exhausted every device to keep political feeling amicable and unsectional. If I have emphasized any one feature it is the course of party development, for it was in the field of party management and in party struggles that the battles of sectionalism were fought at this time, largely determining the course of executive action and of legislation. The final party catastrophe which was the immediate cause of secession is left for a later volume in this series, but the year with which this volume closes, 1859, marks the virtual break-down of the effort at non-sectional politics. In the preparation of this work I have based my conclusion upon independent study of the documentary sources and other contemporary material, but in special

fields I have not hesitated to rely upon the labors of other investigators, and throughout I have consulted the larger historical works which cover this period. I wish to record my special indebtedness to the *History of the United States* by James Ford Rhodes, upon whose scholarly thoroughness I have continually relied for assistance and guidance.

THEODORE CLARKE SMITH.

PARTIES AND SLAVERY

PARTIES AND SLAVERY

CHAPTER I

THE SITUATION AND THE PROBLEM (1850–1860)

THE year 1850 marks the end of the first stage of the slavery controversy in the United States. In 1843 a movement began for expansion towards the southwest which brought about the annexation of Texas in 1845, the war with Mexico from 1846 to 1848, and the purchase of the great domain of New Mexico and California. In the course of these events it was discovered that the majority of the people in the states where slavery did not exist were unwilling to see it introduced into any of the newly acquired territory. They demanded, accordingly, from Congress, the passage of laws expressly prohibiting involuntary servitude in the new lands, asserting this to be the traditional policy of the country, as illustrated in the Northwest Ordinance and the Missouri Compromise. This sentiment of the free states regarding slavery was

to a large degree the result of an agitation for its abolition which had been active for a score of years without any positive results, until the northern feeling against slavery extension revealed that numbers of people who strongly disavowed any sympathy with abolitionists, properly so-called, had, nevertheless, been brought to dislike slavery as an indirect consequence of the abolitionists' incessant denunciation of the institution.[1]

On the other hand, it became evident that the people of the southern states regarded the existence of slavery in the new territories as vital to their interests. They maintained that, from the start, it had been the policy of the country to leave southern territory open to slavery, the proof being the absence of any restrictions upon the territories south of the Ohio at the time of the Northwest Ordinance, upon Florida or upon the Louisiana cession south of the Missouri Compromise line. In opposition to the proposal to exclude slavery from all the new regions, they demanded either the admission of slaves everywhere, or at least the division of New Mexico and California by a continuation of the Missouri Compromise line, prohibiting slavery to the north of it (as in the Louisiana territory) but permitting it to the southward.[2] They considered the

[1] Cf. Garrison, *Westward Extension* (*Am. Nation*, XVII.), chap. xviii.

[2] Cf. Turner, *New West*, chap. x.; Hart, *Slavery and Abolition*, chap. xxi. (*Am. Nation*, XIV., XVI.)

northern attitude an outgrowth of ignorance, bigotry, and unfairness, due to the abolitionist propaganda, and, regarding themselves as the aggrieved party—since the expansion movement was from the start a southern one—freely threatened to dissolve the Union in case their equality in the territories was not conceded.

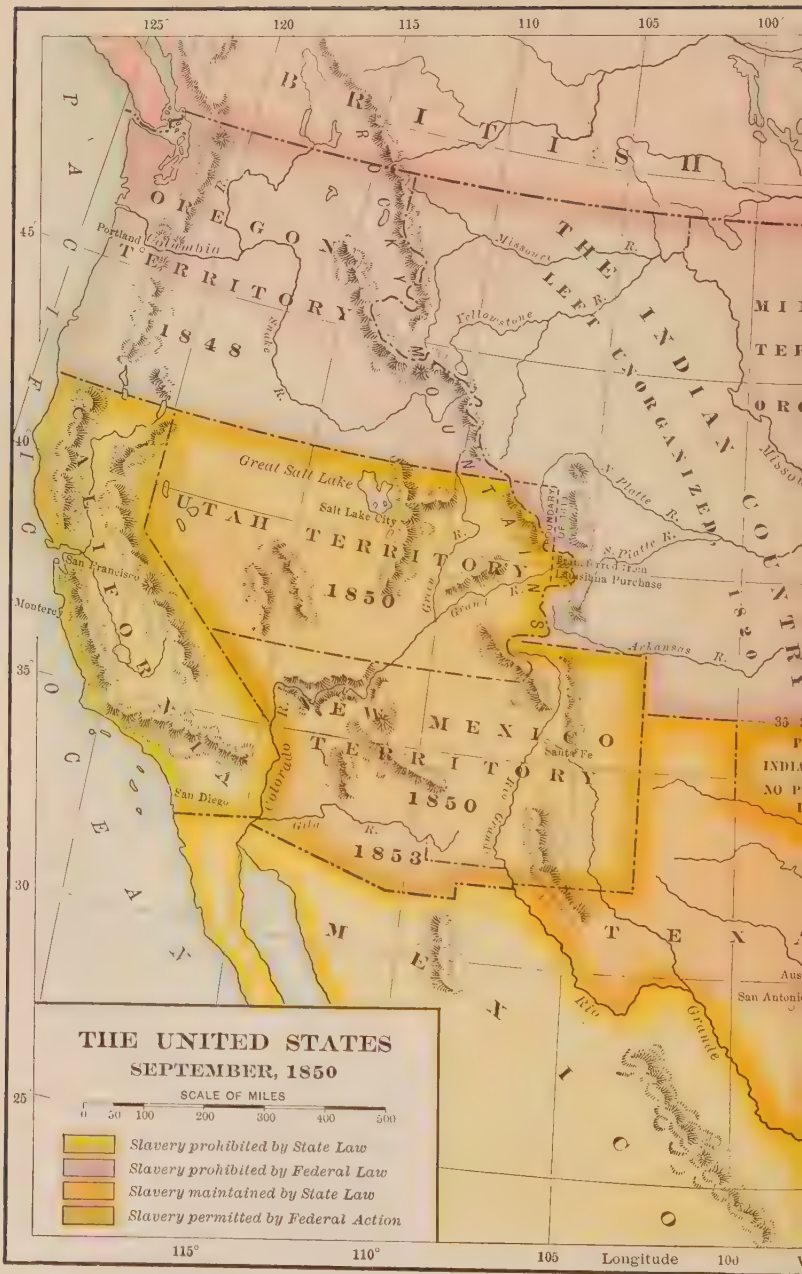
As soon as the consideration of territorial organization began in Congress, it was found that the House, in which the superiority of the north in population gave an antislavery majority, was balanced by the Senate, in which the number of members from free and slave states was equal. The "Wilmot Proviso," as the clause excluding slavery from the territories was called from its original mover, repeatedly passed the House, from 1846 to 1849, only to fail in the Senate; on the other hand, the extension of the Missouri Compromise line, which the Senate stood ready to adopt, was never favored by the House. Congress could not agree upon any form of organization for the territories, owing to this sectional issue, and popular excitement increased in intensity as year after year elapsed and no decision was reached.[1]

During this controversy, however, there existed a powerful influence which prevented the sectional antagonism from showing itself in undisguised form. Two political parties, the Democratic and Whig, stood in the years from 1840 to 1850 as parts of the

[1] Garrison, *Westward Extension* (*Am. Nation*, XVII.), chap. xvi.

accepted institutions of the country, singularly deep-rooted, thoroughly organized in every part of the Union, and not dependent upon casual issues for their existence. Led by keen politicians, their chief function was to carry elections and fill offices. Around their nominations, platforms, and campaign methods there had grown up a body of tradition hardening into immovable custom; and the sense of party loyalty among the voters had developed into an unquestioning faith and acceptance of the duty of supporting the "regular ticket" and the "usages of the party."

Principles which were supposed to divide Democrat from Whig were not always easy to discover, since the real basis of the organizations was social and partisan and not related to legislation; but, in general, the Democratic party professed an adherence to states' rights and a tendency to restrict the powers of the central government; while the Whigs inherited to some degree the more liberal governmental views of the Federalists, whose semi-aristocratic attitude they also shared. On all issues of the day it was practicable and often necessary for the parties to avoid taking definite action, since it was seldom that their membership was sufficiently united upon any federal policy to make it safe to enforce party discipline in a merely legislative question. The main desideratum was always party unity in elections; and while the widest divergence in voting in Congress was compatible with party


THE UNITED STATES
SEPTEMBER, 1850
SCALE OF MILES
0 50 100 200 300 400 500
Slavery prohibited by State Law
Slavery prohibited by Federal Law
Slavery maintained by State Law
Slavery permitted by Federal Action
BRITISH
OREGON TERRITORY 1848
THE INDIAN COUNTRY
LEFT UNORGANIZED
UTAH TERRITORY 1850
NEW MEXICO TERRITORY 1850
1853
Great Salt Lake
Salt Lake City
San Francisco
Monterey
San Diego
Santa Fe
Portland
Columbia
Missouri R.
Yellowstone R.
Snake R.
Green R.
Grand R.
Colorado R.
Gila R.
Rio Grande
Arkansas R.
S. Platte R.
N. Platte R.
Brattleford Green
Louisiana Purchase
Rio Grande
San Antonio
PACIFIC OCEAN
MEXICO
TEXAS
125° 120 115 110 105 100
45 40 35 30 25
115° 110° 105 Longitude 100

90°
85
80°
75
70°
65°
James Bay
Winnipeg
OSSESSIONS
L. Nipigon
L. of the Woods
St. Lawrence R.
LAKE SUPERIOR
MICHIGAN
LAKE MICHIGAN
LAKE HURON
MAINE
Portland
VERMONT
NEW HAMPSHIRE
Rutland
Boston
MASS.
Syracuse
Albany
NEW YORK
L. ONTARIO
Buffalo
Hartford
CONN.
R.I.
New Haven
LONG I.
New York
Brooklyn
NEW JERSEY
Erie
L. ERIE
Detroit
Jackson
Milwaukee
WISCONSIN
ALSO COVERED BY ORDINANCE OF 1787
St. Paul
Mississippi
IOWA
Des Moines
Freeport
Chicago
ILLINOIS
Cleveland
PENNSYLVANIA
Pittsburg
Philadelphia
Baltimore
MARYLAND
OHIO
Wheeling
INDIANA
Cincinnati
Ohio
Washington
VIRGINIA
Richmond
St. Louis
MISSOURI
Wabash
Louisville
KENTUCKY
Raleigh
NORTH CAROLINA
Nashville
TENNESSEE
Memphis
Arkansas
ARKANSAS
Little Rock
Tennessee
SOUTH CAROLINA
Charleston
Savannah
GEORGIA
Savannah
ALABAMA
Montgomery
MISSISSIPPI
Jackson
Mississippi
Sabine R.
LOUISIANA
New Orleans
FLORIDA
ATLANTIC OCEAN
GULF OF MEXICO
BAHAMA ISLANDS
CUBA
BORMAY ENG. CO., N.Y.
45
40
35
30
25
95°
from
90°
Greenwich
85°
80°
75°

membership, no deviation at election time was tolerated, except in rare cases.

Towards the new slavery issue, the attitude of the two parties was strictly limited by the opinions of the leaders as to how far it was safe for campaign purposes to take ground for or against any measure. In 1844 the Democratic party declared for the annexation of Texas, but the Whig platform carefully avoided the subject, for fear of cooling the zeal of proslavery southerners or of antislavery northern members. As soon as the sectional divergence became apparent in Congress, the local party organizations fell in with the sentiment of their sections, demanding exclusion or admission of slavery as the case required; but this apparent sectional division disappeared in the presidential campaign of 1848, when each party, by the simple expedient of refusing to take any attitude whatever on the problem of slavery in the new territories, was able to face both ways and retain its constituency.[1] Throughout the period, however, there was visible a tendency on the part of the party leaders, both in the federal executive and in Congress, to favor conciliating the south as far as was feasible without danger of alienating the north, since the possibility of southern disunion was always alarming. This attitude, and the absence of any definite party principles on the issue of the extension of slavery, led the more radical

[1] Cf. Garrison, *Westward Extension* (*Am. Nation*, XVII.), chap. xvii.

antislavery politicians to attempt the formation of a new northern party at Buffalo, in 1848, but the Free Soil organization succeeded only in drawing enough votes in the state of New York from Cass, the Democratic candidate, to secure the election of his rival, General Taylor. The election decided nothing and the situation remained critical.

In the session of Congress beginning December, 1849, and lasting to October, 1850, the moderate leaders of both parties—Clay, Webster, Cass, Douglas, and others—united to advocate, and, after a bitter struggle, to carry through, a series of acts intended to establish a permanent adjustment between the sections. This arrangement included three minor propositions as make-weights: the abolition of the slave-trade in the District of Columbia, to satisfy antislavery sentiment; a more stringent fugitive-slave law, to satisfy the demands of slave-owners; and the payment of a sum of ten millions in return for the relinquishment by Texas of territorial claims over part of New Mexico. The most important acts were three: one admitted California, where the discovery of gold had already drawn a considerable population, as a free state covering the entire Pacific coast-line between Oregon and Mexico; the other two organized Utah and New Mexico as territories without prohibiting slavery, under the so-called "principle of Congressional non-interference." The final determination as to slavery was left to the inhabitants at the time when they should draught a

constitution and apply for admission as a state. During the long congressional struggle over this compromise, the south resounded with threats of secession, and a convention of delegates of the slave states met at Nashville to take preliminary steps for uniting the section in case its rights were not recognized. The state of Texas threatened to assert its claims in the region of New Mexico by force, and President Taylor was preparing to maintain the authority of the United States, at the risk of civil war, when a sudden illness caused his death and the accession of Fillmore, a less pugnacious man, to the presidency. All felt that the country had been saved from a dangerous crisis by the leadership of Clay and his colleagues.[1]

With the passage of these compromise laws, every part of the public territories of the United States received some sort of regulation as regarded slavery. Except the Indian reservation, all of the old Louisiana purchase which still remained in the territorial state was closed to slavery by the Missouri Compromise, which in 1845 had been extended also over a small part of Texas. The Oregon territory was closed by an organizing act of 1848. All that was left open to slave-holders was the large but arid domain of Utah and New Mexico, clearly unsuited to any industry hitherto carried on in the United States by slave labor. It seemed as though there was no further opportunity for sectional contro-

[1] Garrison, *Westward Extension* (*Am. Nation*, XVII.), chap. xix.

versy over the slavery issue, provided that the existing conditions remained unaltered.

From 1850 to 1860 the problem for the political leaders of the United States was that of guiding public affairs in such a way that neither section of the country should again feel that its interests were endangered. It was obvious that the chief danger to this programme was to be feared from the southern extremists; for, whatever might be the legal or political rights of the south, the slave-holding communities, as Calhoun had been pointing out for a generation, were on the defensive and were in the minority. There was no northern institution which was really endangered by the south, no northern interest menaced by southern reprobation. Slavery, on the contrary, was the object of attack by northern public opinion; and if the north should, as a unit, decide to exclude slavery from the federal domain or to use the powers of the federal government to discourage the institution, its superiority of numbers would enable it to carry out the purpose. With this situation clearly before them, southern extremists formed a far larger proportion of the local population than did abolitionists in the north, and were held in far higher respect at home and greater awe in the councils at Washington. They proclaimed a visible danger. Accordingly, all the conservative leaders of both sections regarded the south as the political element of the country to be placated, and exercised their influence in executive, legislative, and

judicial office upon that assumption. With the older generation, as sectional dangers thickened, this feeling grew to be the sole effective political aim, until the last years of such a man as Webster were devoted to the one object of inducing his section to cease criticising the south, for fear of endangering the safety of the federal Union; and the entire energy of such a president as Pierce or Buchanan was expended in trying to satisfy southern desires.

The powerful assistance of the existing parties in carrying out this plan was clearly recognized, and from 1850 to 1860 the possibility of keeping the south contented was seen to rest largely upon the preservation of these organizations in their national, non-sectional condition. So long as Whig and Democratic parties drew support from all parts of the country it was not possible for a sectional president or a sectional Congress to be elected. But it was seen that the free states, if a sectional northern party were formed, could through their superior population elect an antislavery president and Congress, a result which would inevitably precipitate disunion; so that the one great political danger dreaded by conservatives and by the older party leaders was the disturbance of the existing party loyalty and the rise of either a northern or a southern sectional party. The practical problem in 1850 was, then, to preserve the old Whig and Democratic traditions, and to resume, if possible, the compara-

tively innocuous party contests of the years before 1848.

The only source of possible friction lay in the chance that the southern people might again attempt tropical annexations, an event which, in 1850, seemed by no means unlikely. Should the acquisition of Cuba, the goal of southern desires, be seriously sought, the question of the addition of slave territory would lift its head, and might again arouse the north to sectional action; hence any attempt on the part of the United States to enter this field must be made with caution. Other points where the federal government must continue to touch slavery might prove annoying, but could hardly be dangerous. The new fugitive-slave law involved no striking novelty, and the diplomacy of slavery, relating to the slave-trade and shipwrecked or mutinous negroes, was not sufficiently important to arouse sectional antagonism.

Now that the slavery question had received some sort of adjustment, it remained to be seen whether the country would acquiesce and let the old parties resume their customary electoral contests, and concern themselves with those problems of internal government with which their earlier days had been taken up—such as the currency, the tariff, the public lands. The administration in power was that of Millard Fillmore, a conservative Whig, thoroughly committed to the compromise measures which, as president, he had signed. His cabinet, newly formed

in the summer of 1850, was equally determined to adhere to sectional harmony, from Webster, the secretary of state, and Corwin, secretary of the treasury, to Crittenden, of Kentucky, the attorney-general. The era of compromise opened with its friends in power in all parts of the federal government.

CHAPTER II

THE COMPROMISE A FINALITY

(1850–1851)

THE three years following the passage of Henry Clay's compromise measures were marked by the apparent triumph, in public opinion and in federal and state politics, of the belief that the slavery issue between north and south could be permanently set aside. This triumph was foreshadowed, during the spring and summer of 1850, by a rising demand for sectional peace, which aided Clay and his followers to carry out their programme. By the time that Congress adjourned, in October, 1850, the victory seemed almost won. All that remained was to secure definite ratification by press, pulpit, party resolutions, and the election of "compromise" candidates. To secure this the antislavery sentiment of the north, embodied in the Free Soil movement, and the still more threatening secessionist agitation in the south, must be stamped out, and the old-time political system re-established.

In the northern states the problem of the defenders of the new compromise was to induce men of antislavery tendencies to forego all further agitation

concerning slavery, on the ground that the decision just reached was equitable; and that, unless the north accepted it as final, the southern states might be driven to secede. To prove that the failure to exclude slavery from Utah and New Mexico was unimportant was comparatively easy; but to render the fugitive-slave law acceptable seemed at first a difficult task. For the speedy capture of fugitives special federal commissioners were provided, and the United States marshals and their deputies were enjoined to aid; the procedure was simply proving the identity of the asserted slave to the satisfaction of the commissioner by *ex parte* evidence, excluding any testimony of the negro whose freedom was at stake; the decision of the commissioner was final; and all good citizens were liable to be called upon to aid in enforcing the law under heavy penalties for refusal or for aiding the fugitive. The commissioner's fee was to be ten dollars when he returned a fugitive to slavery, five when he discharged him. No part of the law indicated any precautions against the enslavement of actually free negroes; it assumed that members of that race were normally slaves and that their liberty was a concern of the laws of the slave states alone, subject only to the check of the commissioner's judgment.[1]

Upon this act was poured out the anger of all unreconciled antislavery people in the autumn of 1850. Public meetings by the hundred were held in

[1] *U. S. Statutes at Large*, IX., 462.

all parts of the free states to denounce it as unconstitutional, immoral, unchristian, and abhorrent to every instinct of justice and religion, and to demand its repeal. Many announced their purpose to disobey the act, often in exasperating language. "We hereby declare our purpose," said an Indiana meeting, "to make it powerless in the country by our absolute refusal to obey its inhuman and diabolical provisions." [1] "The enactment of it is utterly null and void," declared a Syracuse mass-meeting, "and should so . . . be treated by the people." [2]

Against this agitation such defenders of the compromise as Cass, Dickinson, and Douglas, of the Democrats, and Choate and Webster among the Whigs, began a powerful counter-movement for peace and submission to law. On their side rallied respectable society, the clergy, business men, and all who were tired of wrangles; and they all proclaimed earnestly and repeatedly that the time had come for an absolute cessation of antislavery controversy. "Union meetings" in New York, Boston, and other cities approved the compromise measures and demanded the execution of the fugitive-slave law in order to save the country. The great meeting in New York on October 30 voted "the thanks of this community and of the whole nation . . . to those eminent statesmen and patriots, Clay, Cass, Webster, Fillmore, Dickinson, Foote, Houston and others," re-

[1] *Indiana True Democrat*, November 8, 1850.
[2] *National Anti-Slavery Standard*, October 17, 1850.

solved to sustain the fugitive-slave act by all lawful means, declared all further slavery agitation to be dangerous to the Union, and pledged those present not to vote for any one who favored it.[1]

No one was more active nor more influential than Webster, who devoted all the powers of his eloquence in letters and speeches to reiterating the substance of his Seventh-of-March speech, denouncing the abolitionists, censuring all who did not admit the binding force of the fugitive-slave law, and declaring, again and again, "No man is at liberty to set up, or affect to set up his own conscience above the law."[2] In Chicago the city council, supported by popular opinion, passed a resolution requesting all citizens to abstain from executing the obnoxious act; but Douglas achieved the feat of bringing a hostile public meeting by sheer force of oratory to adopt resolutions for submission to the law.[3]

The effect of this general campaign for finality was shown in the elections of 1850; the crisis seemed over, and voters were returning to the party situation which existed before 1848. The Whig party, whose platforms were usually rather more antislavery than those of the Democrats, lost ground in congressional and state elections, the Barnburners of 1848 now returned to their old ranks, and the Free Soil party crumbled into insignificance. In two states, how-

[1] *N. Y. Tribune*, October 31, 1850.
[2] Webster, *Works* (ed. of 1851), 578.
[3] Sheahan, *Douglas*, 159.

ever, the Free-Soilers were able to score one last triumph owing to the accident that their representatives in the legislatures held the balance between the two old parties and thus were able to dictate the election of antislavery senators. In Ohio they assisted in sending to the Senate Benjamin F. Wade, a Whig of strong antislavery principles and pugnacious northern sectionalism. In Massachusetts, by a formal coalition, the two minority groups, Free-Soilers and Democrats, managed to control the legislature and share the offices by electing George S. Boutwell, a Democrat, as governor, and Charles Sumner, a Free-Soiler, as senator. This coalition, which was denounced by the dispossessed "Cotton Whigs" as utterly immoral and unprincipled, seemed by its success to obscure the real decline of antislavery feeling; but outside of Massachusetts the failure of the Free Soil party was manifest.[1]

Meanwhile a very different contest was going on at the south. There the problem for such leaders as Clay, Crittenden, Stephens, Cobb, and Foote, who accepted the compromise, was far more difficult than that of their northern colleagues. It was necessary to persuade the southern people that their section had not lost by the admission of California, and that the north was going to carry out the fugitive-slave law, so that no cause existed any longer for secession. In the northernmost slave states the influence of

[1] Wilson, *Slave Power*, II., chap. xxvii.; Pierce, *Sumner*, III., 221–244; Curtis, *Curtis*, I., 138–185.

Clay was strong, but in the "cotton states" an active minority of leaders repudiated the compromise and refused to acquiesce without an effort to bring about secession. The result was a campaign carried on with all the personal absorption, high feeling, and vigorous oratory which characterized the contests of southern leaders with one another. Among the secessionists Governor Quitman, of Mississippi, was prominent, urging that the time for action had come. "There is nothing," he said in his message to the legislature in November, "to encourage the hope that there will be any respite from aggression. Never has hostility to slavery been more distinctly marked or more openly asserted. . . . The North has just triumphed in every claim she has asserted. I do not hesitate to express my decided opinion that the only effectual remedy to evils which must continue to grow from year to year is the prompt and peaceable secession of the aggrieved states."[1] Governor Means, of South Carolina, and Governor Bell, of Texas, were equally ready to bring about a crisis over the Texas boundary question; and all that held Means back from prompt action was his conviction that some other state than South Carolina ought to take the lead.[2] In Alabama, William L. Yancey, the eloquent and radical "fire-eater," organized Southern Rights associations whose purpose was frankly to

[1] Claiborne, *Quitman*, II., 47, 50.

[2] Means to Quitman, May 12, 1851, Claiborne, *Quitman*, II., 133.

agitate for disunion, and these were imitated in other states until a new secessionist organization had come into existence. The Alabama Southern Rights convention, on February 1, 1851, denounced a "tame submission to hostile and unconstitutional legislation," resolved to form a new southern party, called for the election of delegates to a southern congress, and announced that, if any other state or states seceded, Alabama should follow.[1]

On the other side, however, stood the bulk of the conservative Whigs and Democrats; and, in addition, many leaders who had been aggressive for slavery extension during the struggle just ended, but were now willing to accept the compromise as a temporary settlement. Such men as Foote, of Mississippi, Howell Cobb, Alexander Stephens, and the fiery Toombs, of Georgia, were no less champions of southern rights than Quitman and Yancey, and they now threw their personal weight into the scales against secession. The first victory of the southern Unionists was won in the adjourned session of the Nashville Convention of June, 1850, which came together again in November, in spite of the fact that Judge Sharkey, the Unionist president, refused to issue the call. So reduced was the membership that the convention did not feel strong enough to do more than denounce the compromise measures, reassert the right of secession, and recommend the south to cut off commercial relations with the north until

[1] Hodgson, *Cradle of Confederacy*, 290; Du Bose, *Yancey*, 252.

its rights were recognized.[1] Then the governors of Arkansas, Virginia, Alabama, and Florida, while condemning the compromise, admitted that there was no necessity for secession until some further action on the part of the north should aggravate the situation;[2] and the Texas legislature, instead of insisting on its boundary claim, accepted the federal offer of ten millions as a money compensation, thus removing a possible source of conflict.

Finally came the election of a state convention in Georgia to decide the question of union or secession. The strong trio of Cobb, Stephens, and Toombs canvassed the state, and after a campaign of considerable excitement the Unionists won a complete victory in November. When the convention met the next month, it drew up what became widely known as the "Georgia platform," embodying the ultimatum of the southern proslavery Unionists.[3] It declared in substance that the state, while not entirely approving of the compromise, would regard it as a permanent adjustment, but in future "would resist even to the disruption of the union" any act prohibiting slavery in the territories, or a refusal to admit a slave state, or any modification of the fugitive-slave law.[4] By the opening of the year it looked as though

[1] Hodgson, *Cradle of Confederacy*, 279; *N. Y. Tribune*, November 27, 1850; Cluskey, *Political Text Book*, 597.

[2] *Harper's Magazine*, January, 1851, p. 267.

[3] Stovall, *Toombs*, 83.

[4] Phillips, *Georgia and State Rights*, 165; Hodgson, *Cradle of Confederacy*, 279–314.

the advocates of peace and union were likely to win in their contest. The next twelve months were to settle the matter definitely.

When Congress met in December, 1850, it was evident that a calm had come over that once turbulent and angry body. All the forces of compromise united to declare the finality of the slavery adjustment, Fillmore intimating in his annual message that he would use his veto to protect it, and Clay uniting with forty other members in a manifesto pledging themselves to support no man for office who was not opposed to all further agitation.[1] Attempts by Hale and Giddings, two inveterate anti-slavery champions, to revive discussion of slavery questions provoked no response; and when southern leaders such as Mason, of Virginia, pointed to the agitation against the fugitive-slave law as a proof that the compromise was not working well, they were met by eager assertions on the part of Clay and others that agitation was dying out. "I believe the law will be executed," asserted Cass, "wherever the flag of the Union waves. . . . A wonderful change in public sentiment has taken place. It is going on and will go onward until the great object is accomplished. We see it at the North, we see it at the West, and all around us, and we cannot mistake it."[2]

It was a source of grief to Clay and his sympathizers that a succession of annoying episodes proved

[1] *Cong. Globe*, 31 Cong., 2 Sess., 304. [2] *Ibid.*, 296.

that the fugitive law was bitterly unpopular at the north. Its passage, accompanied by rumors that the government intended to apply it vigorously, caused a panic among the colored population of northern cities. Fugitives who had been living in imagined security fled to Canada, and their course seemed justified by the first cases under the law, which appeared to show a greater anxiety to return alleged slaves than to secure certainty as to their identity.[1] Finally, in February, 1851, a fugitive named Shadrach was violently rescued in Boston by a crowd of negroes after examination before a commissioner.[2] This act, not significant in itself, distressed the advocates of sectional harmony as seeming to contradict their confident assertions of the purpose of the north to execute the act; and Fillmore at once issued a proclamation announcing his purpose to employ the whole force of the government to support the law. In a special message he also asked Congress for additional powers,[3] with the result of a lively controversy between extreme southerners who were anxious to prove the law a failure and conservatives like Clay, who insisted that the behavior of Massachusetts was exceptional; but no action was taken, and the session ended without further sectional recrimination.

[1] Wilson, *Slave Power*, II., chap. xxvi.

[2] Garrison, *Garrison*, III., 325; Weiss, *Parker*, II., 103–106; Frothingham, *Parker*, 412.

[3] Richardson, *Messages and Papers*, V., 101, 109.

The campaign for finality was now fought to a successful conclusion. In the north, Webster and others continued with unabated activity preaching the sanctity of the Union, the finality of the compromise, the futility and folly of agitation, and the supremacy of the law.[1] It was true that a number of other cases of forcible resistance to the fugitive-slave law occurred in 1851, notably the rescue of "Jerry" in Syracuse by a crowd of abolitionists and others,[2] and the killing of a master, Gorsuch, by a band of negroes, among whom was the fugitive whom he was attempting to recapture. In their anxiety to punish this crime with adequate severity, the federal authorities made an effort to convict a Quaker, Castner Hanway, of treason, on the ground that, as a by-stander, he had refused to assist Gorsuch; but this attempt to bring resistance to the fugitive-slave act under the head of "levying war against the United States" proved futile.[3] As the year wore on, it became evident that the compromise had done its work.

In spite of the efforts of radicals, the excitement over the fugitive-slave act diminished, and the people of the free states settled down to an attitude of sincere but reluctant acquiescence. "It is a dis-

[1] Curtis, *Webster*, II., 499–523; Webster, *Works* (ed. of 1851), VI., 582 et seq.

[2] Frothingham, *Smith*, 117; May, *Antislavery Conflict*, 373.

[3] Wilson, *Slave Power*, II., 328; Still, *Underground Railroad*, 349; *History of Trial of Castner Hanway*, 1852; McDougall, *Fugitive Slaves*, § 60.

graceful and dirty business," said the *Ohio State Journal*, "but it is sanctioned by the constitution," and "whatever things it pledges them [the northern people] to do, these things they intend to do, whether agreeable or disagreeable." [1] A sign of this acquiescence was the successful return from Boston of a fugitive named Sims, in April, 1851, in spite of the opposition of sympathetic abolitionists.[2]

In the elections of 1851, both Whig and Democratic platforms dropped the last shreds of antislavery language. The decline in the Whig vote continued, and the Free Soil party now numbered little more than the old Liberty party. So hopeless appeared its outlook that one of its leaders in the Senate, Chase, of Ohio, formally joined the Democrats in the state election.[3] Another result of the compromise struggle was seen this year in Missouri. Senator Benton, having refused to obey proslavery instructions of the state legislature, and having voted for the admission of California, his defiant attitude led to a split in the Democratic party in the senatorial election. Though Benton retained a majority of Democrats, his opponents joined the Whigs to elect H. S. Geyer, an adherent of the compromise. Benton refused to accept this defeat as final, and fought hard for six years, sitting for one term in the

[1] *Ohio State Journal*, April 21, 1851.

[2] Adams, *Dana*, I., 185; Frothingham, *Parker*, 415; Details of the rescues of fugitives, in Hart, *Am. Hist told by Contemporaries*, IV., §§ 29–33.

[3] Smith, *Liberty and Free Soil Parties*, 239–241.

House of Representatives, and dividing his party in election after election, without success.[1] After his death, in 1858, the Bentonian Democrats in many cases became Republicans.

The struggle between the Unionists and Secessionists was now fought to a conclusion in the cotton states, where the efforts of the Southern Rights associations caused a temporary reconstruction of party lines. Most of the Whigs united with the conservative Democrats in a Union party, while the Southern Rights party, comprising the rest of the Democrats, and led by the unreconciled Quitman and Yancey, took the field in a last effort at secession. The result was a sweeping and conclusive victory for the Unionists in every state where the issue was joined, a victory due in large part to the personal power of the Unionist leaders in a region where personality counted much. In Georgia, Cobb, the Union candidate for governor, won easily over the State Rights nominee;[2] in Alabama both candidates approved the compromise; in Mississippi the Unionists won a complete victory in the election of delegates for a state convention. This seemed such a personal condemnation that Quitman, the Southern Rights candidate for governor, withdrew and Jefferson Davis took his place, finishing out the campaign with vigor against Foote, who barely succeeded in

[1] Meigs, *Benton*, 414; Durrie and Davis, *Missouri*, chap. xv.–xvii.; Switzler, in Barns, *Missouri*, chap. xxiii.

[2] Phillips, *Georgia and State Rights*, 166.

defeating him.[1] Finally, in South Carolina, where the issue was made between those demanding immediate secession and those advocating co-operation with other states, the co-operationists won by a good majority in October.[2] By the autumn of 1851, accordingly, the last elements of irreconcilable opposition to the finality of the compromise were beaten down in north and south. The only relics of the extreme wings were a few Free Soil senators and representatives—Hale, Chase, Sumner, Giddings—and a few Southern Rights exponents. The people of the country clearly accepted the compromise as a settlement, for the time being at all events, and the slavery question seemed laid to rest as a national issue.

The reasons for this state of rest are the same as those for the passage of the compromise: the mass of the northern people were not enough concerned about slavery to risk driving the south into disunion, and were willing to endure even the fugitive-slave law for the sake of regaining political and commercial peace. The southern people, deeply as they felt the loss to their section of a share of California, and little as they trusted the good-will of the north, were willing to let matters rest, provided nothing further should arise to disturb the equilibrium. So peace reigned once more at Washington, and among the states.

[1] Davis, *Confederate Government*, I., 18–22; R. Davis, *Recollections*, 315–323; Garner, in Miss. Hist. Soc., *Publications*, IV., 91.
[2] Hodgson, *Cradle of Confederacy*, 285–299.

CHAPTER III

POLITICS WITHOUT AN ISSUE
(1851–1853)

THE triumph of the compromise of 1850 as a final settlement once assured, the political life of the country, freed from the annoyance of wrangles over slavery, turned back into the old channels; and the years immediately following 1851 were a second "era of good feeling." People could now devote themselves to their own affairs, glad to be rid forever of the wearisome phrases "extension of slavery," "Wilmot proviso," "states rights" and "secession." It was perfectly true, as Free-Soilers at the north and "fire-eaters" at the south pointed out, that the differences between the free and slave states remained unaltered, and that there was no guarantee against interruption by the first question which might come up requiring federal action towards slavery. But such prophets of evil were unpopular and were regarded as disturbers of a hard-won peace. The whole country, in short, tried by an effort of will to sink the sectional differences into oblivion.

The two great parties were again organized for contest just as before 1848, and called for public sup-

port; but it now appeared that, with the slavery question out of the way, there remained no other important national issue. The old questions of national bank and tariff were obsolete, for a new industrial life had come into being and new problems were confronting capitalists and farmers. Hence local affairs absorbed the interest of voters and legislatures. State banking laws were forced through, vetoed, or submitted to popular referendum; railways were aided or regulated; new public schools and universities were established; and the newspapers, once filled with angry editorials and sectional arguments upon slavery, now gave space to the paving and lighting of streets, the delimitation of legislative districts, taxation for charitable institutions, and like homely issues. Only steadfast abolitionist and intense proslavery papers continued to refer to the subject which the country was trying hard to ignore.

In default of a national issue, public interest turned to various reforming movements.[1] The temperance agitation had been going on for twenty years, in the form of a moral and religious propaganda against drunkenness, headed by vehement orators, of whom the eloquent and emotional John B. Gough was the foremost example. By 1850 public sentiment against the liquor traffic had grown so strong that attempts were made to prohibit the sale

[1] For earlier stages, see Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. i.

altogether. The state of Maine led the way in acts of 1846 and 1848, culminating in the drastic statute of 1851, known henceforth as "the Maine law." It absolutely prohibited the manufacture or sale of alcoholic liquors except under state authorization for medicinal use, and backed up its mandates by fines, imprisonment, and powers of search. The agitation for the Maine law quickly spread to other states, and soon resulted in bitter political struggles in legislatures and elections. Governors were obliged to veto or sign bills, parties were called upon to recognize the issue in their platforms, until it seemed as though, in the absence of any other pressing question, the whole country was destined to be absorbed in the prohibition contest. In many states the Free Democratic party adopted this policy and made notable gains in its vote, and in others impatient temperance reformers began to set up independent candidates.[1]

Observers detected in this sudden fervor the signs of a new excitability in American political life, which, deprived of its former food by the cessation of the slavery struggle, sought for some substitute. Such an outlet was furnished by the visit of Kossuth and other Hungarian refugees to the United States in 1852. The people of the country were keenly interested in the upheavals of 1848 in Europe, sympathized strongly with the revolutionists, and were especially stirred by the brave struggle of Hun-

[1] *Whig Almanac* and *Tribune Almanac*, 1851–1856; *Cyclop. of Temperance and Prohibition*, 275–360.

gary against Austria and Russia. When Hungary was crushed in 1849 and Kossuth took refuge in Turkey, an agitation began which finally led Congress to offer an asylum to the exiles. Accordingly, in December, Kossuth arrived at New York as a national guest and began a tour of the country in search of pecuniary and other aid. Under any circumstances the tragic fate of Hungary and the attractive personality and wonderful eloquence of Kossuth would have commanded interest; but coming at this time of absolute political calm, his visit produced a volcanic eruption of excitement which equalled the earlier crazes over "Citizen Gênet" and Lafayette. He was met at New York by roaring crowds, salutes of cannon, banquets, and welcoming deputations from every conceivable body of men from Socialists to Presbyterian ministers. At Philadelphia, Baltimore, and other cities the same excitement was manifested. Local politicians, conscious of the pressing necessity of keeping with the popular current, made speeches of unmeasured eulogy and sympathy.[1] Had the language of many fervent congressmen been taken literally, Kossuth would have been justified in expecting the United States to enter upon a course of active intervention in behalf of Hungary and other oppressed nations of Europe.[2]

[1] Von Holst, *United States*, IV., 64–96; Rhodes, *United States*, I., 231–243.

[2] *Cong. Globe*, 32 Cong., 1 Sess., December 1, 8–12, 16, 27, January 2, 5, 8, 20 et seq.

Webster, however, as secretary of state, carefully refrained from committing the United States to any formal action,[1] and although there was a public reception to the Hungarian patriot by each House of Congress, Kossuth, whose head was not turned by his situation, saw clearly that he could hope for nothing more than sympathy. Some of the more conservative members of Congress, alarmed by the inflammatory eloquence of such men as Cass, Foote, Douglas, and Walker, of Wisconsin, took occasion to preach restraint and caution, but it was really not necessary. The whole affair was only saved from being a farce by the vein of genuine republicanism and defiance of Europe which underlay all the extravagances of enthusiasm and applause. When Kossuth left the country, in the summer of 1852, the excitement was over; and all the eloquent exile had to show for his visit was a small amount of money. The episode was at an end.

Meantime, national politics sank into a vacuity which reflected the prosperity of the times. The Congress of 1851–1852 sat for nine months, but accomplished little beyond granting public lands and passing a river and harbor bill. The large Democratic majority in each house found no party measure to consider, and the time of the members was devoted for weeks together to political manœuvring with regard to the presidential election of 1852. The party situation was peculiar, for with no definite issue in

[1] Curtis, *Webster*, II., 571.

existence success seemed to depend upon the strength of party loyalty, the choice of a popular candidate, and the careful avoidance of any position which might seem to endanger the quiet between the sections. From Free-Soilers and secessionists there was nothing to fear, and the prime necessity in the eyes of leaders was to establish their devotion and that of their respective parties to the compromise. Much time was devoted in party caucuses and in each House to the consideration of resolutions affirming "finality," but beyond the passage of such a resolution on April 5, by the House of Representatives, no definite results were attained, nor could either side claim any advantage over the other.[1]

Still, by the spring of 1852, it became clear that of the two parties the Democratic was in far better shape. Its discipline was restored with the return of the Barnburners, its northern and southern leaders were in accord, and its recent successes in congressional and state elections gave it courage. For the Whigs, on the other hand, the situation looked ominous. They had lost steadily for two years in congressional and state elections; the respectable Fillmore administration did nothing to win prestige; and the chasm between southern and northern Whigs, however carefully ignored by the leaders, must be revealed the moment the question of a presidential candidate or platform was raised. Upon

[1] *Cong. Globe*, 32 Cong., 1 Sess., 6–9; Von Holst, *United States*, IV., 105–117, 976–983.

what common ground could men like Toombs and Seward meet? Would the southern wing be satisfied with anything short of an explicit adoption by the party of the southern position as laid down in the "Georgia Platform," and the nomination of a man thoroughly committed to the execution of the fugitive-slave law? Could the Seward Whigs accept such a programme, or hold their constituents if they did so?

The party nominations and platforms in 1852 were of a purely partisan and wholly uninteresting character. The Democratic convention, held June 1, at Baltimore, added to its earlier platforms a new resolution pledging the party to a faithful execution of the compromise measures, "the act for reclaiming fugitive slaves included," and promising to resist all attempts at renewing the agitation of the slavery question.[1] Then for three days it struggled over the problem of a candidate, unable to secure a majority vote for Cass, Marcy, Buchanan, or Douglas, until on the forty-ninth ballot the convention suddenly found a solution of the difficulty in a carefully prepared "stampede" towards Franklin Pierce, of New Hampshire. Pierce was not a man of national prominence, but he had held a respectable place in public life, was personally attractive, kindly in manner and feelings, with no record to attack and no enemies to fear.[2] Immeasurably inferior to either of the four men he

[1] Stanwood, *Hist. of the Presidency*, 249.
[2] Hawthorne, *Pierce*, 109 et seq.

supplanted, he was a safe selection under the existing conditions. The candidate for vice-president was William R. King, senator from Alabama.

Two weeks later the Whig convention met at the same place and hastily adopted, without debate and over loud protests from many northern members, a platform which had been framed by the Georgia Whigs and was intended to satisfy all elements. The first two resolutions committed the party to the doctrine of states rights, and the eighth resolution declared the compromise acts, "the Fugitive Slave Law included," to be a settlement of the slavery question, and pledged the party to maintain them until time should demonstrate the necessity of further legislation, and to discountenance all efforts to renew the slavery agitation.[1] The concession to the northern Whigs lay in the careful avoidance of the term "final." In selecting a candidate the convention found its members divided between three aspirants, each with a devoted band of followers. General Winfield Scott was supported by northern Whigs, who hoped to repeat the success of Taylor in 1848, while on the other side the compromising or "finality" vote was divided between Webster, with the New England contingent behind him, and Fillmore, who received southern votes. The stubbornness of the followers of the last two candidates made them unable to combine against Scott,[2] and protracted the

[1] Stanwood, *Hist. of the Presidency*, 251.
[2] Curtis, *Webster*, II., 620–627.

contest for fifty-three ballots, but the gradual change of a few delegates finally gave Scott a majority.

The immediate impression of these nominations upon the country was significant. Pierce received hearty support from all elements of the Democratic party, southern as well as northern, Unionist as well as secessionist, "Barnburner" as well as "Hunker," while Scott repelled the southern Whigs. The southern Union party of 1851 was now entirely broken up, its Democratic contingent supporting Pierce; while its Whigs either yielded a reluctant support to Scott or openly bolted. July 3 a number of leading southern Whigs, headed by Stephens and Toombs, published a manifesto announcing their purpose to oppose Scott as not sufficiently in favor of the compromises.[1] Others in Georgia formed a Webster electoral ticket. In short, the campaign had hardly opened when it was seen that the Whig party, in spite of the adoption of a compromise platform, had driven away by its nomination those elements which had given it victory in 1848.[2] Hoping to revive their party, the Free-Soilers rallied in August at Pittsburg and nominated John P. Hale for president on a platform which reiterated the protest of 1848 against the existence of slavery in the territories, denied the finality of the compromise, denounced the fugitive-slave law as repugnant to the Constitution, to Chris-

[1] Cluskey, *Political Text Book*, 682.
[2] Hodgson, *Cradle of Confederacy*, 323–330.

tianity, and the sentiments of the civilized world, and demanded its repeal.[1]

Since there was no real issue except the personality of the candidates, the campaign of 1852 was trivial and unenthusiastic. Scott's attempts to win over the German and Irish vote, during a thinly disguised stumping tour in the west, provoked ridicule, and the contest soon degenerated into petty abuse and personalities. Pierce was painted as a coward in the Mexican War and a drunkard in private life, and Scott was held up as a miracle of vanity and ineptitude.[2] The most vigorous efforts of the Whigs to stir up enthusiasm for "the hero of Lundy's Lane, Contreras and Churubusco" fell flat, and the result of the election was foreseen weeks before the vote took place. Pierce's victory was overwhelming. He carried every state except Massachusetts, Vermont, Kentucky, and Tennessee, and received 254 electoral votes to Scott's 42. In the south, the Whig vote shrank to small figures. In the north, the Free Democratic party, as the revived Free Soil organization now styled itself, polled only 155,825 votes, and had no direct influence upon the result.

The Whig leaders and newspapers seemed stupefied by the completeness of their defeat. It was true that the election decided nothing more than a change of office-holders: no new policy was presaged; no alteration of sectional balance was indicated; but

[1] Stanwood, *Hist. of the Presidency*, 253.
[2] Rhodes. *United States*, I., 269–277.

the failure of the party to retain its southern support was ominous, and, in spite of the large popular vote drawn by Scott in the north, the future seemed dark. For over a year all energy departed from Whig party activity, and in 1853 it suffered renewed severe defeats in state elections.

Fillmore's last months in office went by in peace, the short session of Congress (1852–1853) contributing nothing of importance to public interest other than sundry debates upon foreign affairs, the only quarter where any new developments were looked upon as likely to occur. Pierce was inaugurated March 4, 1853, in the full sunshine of popularity, and delivered an optimistic address to the greatest concourse ever assembled in Washington on such an occasion. All elements, Whig as well as Democratic, were disposed to look favorably upon the handsome, affable president whose aims seemed so high and whose prospects appeared so secure. His cabinet was conciliatory in its make-up. Marcy, the secretary of state, had been a leader of the New York "Hunkers," but McClelland, of Michigan, had been an antislavery man; Guthrie, secretary of the treasury, and Dobbin, of the navy department, were conservative southern Democrats, but Davis, of Mississippi, the secretary of war, had been a Southern Rights leader in 1851; Caleb Cushing, of Massachusetts, the attorney-general, able, shrewd, and considered shifty, had only recently come out of the Whig party. All elements were represented.

So ended a period of political stagnation, interesting only as showing how the American public, by sheer effort of will, could force itself into old lines of political habit and ignore a vital question. The success of the effort in arresting sectional controversy was undeniable, but, as far as the Whigs were concerned, the refusal of the southern members to support the party nominee in 1852 showed that not even the utmost efforts of compromising and Union-saving leaders could efface sectional distrust. The appearance of any new issue might instantly destroy the artificial calm.

CHAPTER IV

THE OLD LEADERS AND THE NEW

(1850–1860)

IN the contest of nationalism against sectionalism, which was seen to be inevitable after 1844, the triumph of the Unionists in 1850 and the years following was due largely to the fact that the weight of leadership and party tradition was with the compromisers. To keep the slavery question suppressed and to prevent the sections from again coming into conflict in Congress, the same strong leadership must continue; but unfortunately for the finality of the compromise, the leaders who had won that victory soon passed off the stage and left no successors of equal influence. The result was the ultimate victory of sectionalism in north and south, and the coming to the front of those radically different ideals and political habits which guided north and south into and through the Civil War.

The distinguishing feature of the older group was the strong Unionism of its leaders, whether Whig or Democratic. The peace, perpetuity, and strength of the Union stood in their eyes above all other political ideals; and when the slavery question arose and

extremists in north and south insisted on forcing the sectional issue, they were alarmed and horrified. Their principles in politics were imbibed when most of them entered public life, in the nationalistic era of 1810–1830,[1] and they felt called on neither to approve nor to condemn slavery, nor, in fact, to concern themselves with it. In their eyes the moral earnestness of the abolitionist was as incomprehensible as the sincere sectionalism of the secessionist was abhorrent; and they were amazed and grieved by the fierce disapprobation of compromise by both kinds of extremists. Considering slavery outside the range of legitimate political discussion, they tried to exclude it first by their disapproval and then by compromise.

As long as such men as Clay and Webster led the forces of nationalism with all the power of their personalities and the splendor of their eloquence, the spirit of Union triumphed; but Clay's work was done when the compromise of 1850 was carried through; he took little part in events thereafter, beyond speaking in the Senate in behalf of "finality." His death, in June, 1852, was regarded as a national loss, and Whig and Democrat alike paid him glowing tributes and united in recognizing the passing of a great American leader whose sun had set in peaceful skies, for he had outlived personal ambition.

Not so with Webster: to the last he hoped for the Whig nomination for the presidency, and when Scott

[1] Cf. Turner, *New West* (*Am. Nation*, XIV.), chap. xviii.

was selected over him his bitterness and grief were intense. He even advised his intimate friends to vote for Pierce, and died in October, 1852, a saddened man. In New England his death was mourned as the loss of the foremost citizen, and even his bitterest critics, the Free-Soilers, admitted his intellectual greatness; but outside of his own constituency only the conservative Whigs felt his loss. Something in Webster's personality prevented him, in death as in life, from rivalling the popularity and national standing of his rival, Clay.

Most of the other strong Unionist leaders retired from political life about the same time. Among the northern Jacksonian Democrats, Van Buren made his last appearance in politics in 1848; in 1851 Woodbury died, and Dickinson lost his seat in the Senate; and of the Webster Whigs, Winthrop, of Massachusetts, and Ewing, of Ohio, retired in 1851, and Corwin in 1853. At the south, Benton, the senatorial Hercules of the Jacksonian Unionists, lost his seat in 1851, and consumed his remaining days in a gallant but futile struggle to regain power in his state; and Foote, who had led the Unionist forces in Mississippi, did not re-enter national politics after 1851. Among the southern Whigs, Berrien, of Georgia, retired from the Senate in 1851, and Mangum, of North Carolina, in 1853. Most of these men were of the older school, except perhaps Foote, and their public conduct was guided by a tradition of formal statesmanship inherited from the first dec-

ades of the century. Their simultaneous departure from the field of national politics left the leadership of Union feeling to men who were at once less able to control sentiment and less skilful in congressional and executive direction.

The surviving Unionists, during the years 1853–1860, were stronger in the Democratic party than in the Whig, especially since they counted among their number the one man who had the ability to succeed Clay as a congressional and popular orator. Stephen A. Douglas entered public life in the preceding decade, and by experience in House and Senate had become, by 1850, the keenest parliamentarian of his party and the foremost man in the west. He was a strong defender of the compromises, totally indifferent to slavery as an institution, and devoted to Unionism in the same way that Webster and Clay had been. His ability as a public speaker, which gave him party leadership in the Senate, made him the idol of the Illinois Democrats and won him the admiration of his party in most states; while his force and energy so dominated his short frame that he was known as "the Little Giant." Douglas was better suited than any other man in the United States to maintain Unionism against antislavery sentiment in the north, but, unfortunately for his success, he was hampered by his very facility in debate and in party leadership, for he lacked caution and insight into the conditions of popular feeling. Unable to comprehend the force of moral indigna-

tion against slavery, he was led through overconfidence in his own powers into grave mistakes of policy which eventually ruined his cause.[1]

Other Democratic Unionists were Cass, Buchanan, and Marcy, rivals with Douglas in the national convention of 1852. Of these Marcy was the strongest in character, an experienced Jacksonian politician of New York, a member of the "Albany Regency," and the originator of the famed phrase "to the victors belong the spoils of the enemy." Marcy was, however, much more than a spoilsman: he was a hard-headed, aggressive Democratic partisan, with none of the popular power of his younger rival, Douglas, but with much more caution and political shrewdness. His later career as secretary of state under Pierce was his last appearance in politics, and his death in 1857 removed one of the steadying influences in his party. Cass and Buchanan remained in public life to the end of the period, and, with Douglas, stood forward as representatives of the compromise Democracy. Of the two, Cass had the greater native ability, and from his long career in Michigan and his vigorous personality had a fairly strong hold over the party in the northwest. Like Douglas, he does not seem to have had any comprehension of the depth of the moral opposition to slavery in the north, and his eagerness to settle sectional questions by compromise or by finding some way to appease southern threats won him,

[1] See Brown, *Douglas*.

among abolitionists and Free-Soilers, the name of "Arch-dough-face." Buchanan, with less courage and personal strength than Marcy, held somewhat the same position in Pennsylvania, where his conservative, steadily partisan record made him the special representative of the highly conservative Democratic party of that state. At no time in his career did a spark of originality disturb his utterances; but he had a political shrewdness which stood him in good stead. These men, strongly intrenched in the party machinery of their section, were prepared to make an obstinate fight for the principles of Unionism through compromise.

Among the Whigs the Unionist leadership was far weaker. Edward Everett, of Massachusetts, eloquent, honorable, a lover of concord and harmony, was sent to the Senate to succeed Webster, but he lacked the fighting quality of men like Douglas, and could not retain leadership. Fillmore, after his retirement from the presidency, remained a figurehead for conservative Whigs, but he had no power over people; nor did Fish, the New York Whig senator who replaced Dickinson in 1851, prove to be a strong leader; while Choate, of Massachusetts, distinguished for eloquence and brilliancy, lacked the willingness to throw himself heart and soul into a contest for party supremacy. Nowhere among the Whigs did there appear a figure of national prominence able to carry on the work of Clay and Webster

At the south, the sincere Unionists were tempora-

rily reinforced, in 1850, by a large number of Whigs and Democrats, who later showed that at heart they were more sectional than national. If these be left aside, the number of consistent Union leaders who remained in public life after the death or retirement of Clay, Benton, Berrien, and the rest, was comparatively small. Houston, of Texas, an original Jacksonian, was a picturesque figure in the Senate and a personality of influence in his own state, where to the end he upheld the cause of Unionism against secession. Bell, of Tennessee, a man without great gifts as either speaker or thinker, but popular in his own section and a leader of steady Unionism, was joined in the Senate by Crittenden, of Kentucky, a man of Clay's type with all of Clay's fervent Unionism and much of Clay's personal hold over the people. Up to the verge of the Civil War these three men, with Clayton, of Delaware, a strenuous debater although a rather unsuccessful diplomat, struggled to maintain the traditions of Clay, carrying on a contest in their section parallel to that waged by the northern Unionists.

Now that the passions aroused by the civil conflict have retired into the past, it is possible to credit these Unionists, northern and southern, with more genuine honesty and patriotism than it was customary to ascribe to them in earlier years. The northern Doughface, willing to make concessions to the south for the sake of peace, the southern Unionist, ready to forego an opportunity to advance the interests of

slavery if by so doing he could preserve the Union, were not cowards nor traitors to their sections; they were stimulated by an ideal no less than were their opponents; and their failure discredits not so much their patriotism or moral earnestness as their powers to meet the difficult task imposed upon them. Certainly a large majority of the American people looked to these men as true patriots, inspired by the sentiments expressed in Longfellow's apostrophe to the Union in his "Building of the Ship," published in 1850; and even as late as 1860 a great majority of the wealthier classes at north and south still held to their point of view.

Opposed to these Unionists there stood in the north a growing number of antislavery political leaders who regarded politics from a wholly different point of view. In their eyes the controversy over slavery was not a distressing interruption to normal politics, but was an inevitable consequence of their highest convictions. The Union, they too professed to uphold, and they uniformly denounced secession, but they were ready to risk harmony and peace within the Union for the sake of righting what they considered a wrong. Admitting their impotence to interfere with slavery in the states, and for the most part disclaiming the desire to do so, they insisted that slavery must not be extended into additional territory, nor fostered by the federal government. Such Unionism was very different from that of Clay or Foote: it meant that a peculiar interest of one sec-

tion was not to receive national support or countenance; and it did not prevent a feeling towards the south ranging from hostile criticism to savage dislike.

The earliest representatives of this northern sectionalism had been John Quincy Adams and Joshua R. Giddings in the House,[1] joined later by Hale, of New Hampshire, in the Senate. Adams died in 1848, but Giddings and Hale continued in Congress during most of this decade, where as open agitators they made incessant attacks on slavery. Of the two, Giddings was bitter and aggressive, Hale keen and humorous; but each had an unerring scent for those interests of slavery which on their face did not refer to the "institution." The Free Soil agitation and the controversy over the compromise of 1850 brought into office a number of men who were destined to be the country's leaders in the period of civil war and reconstruction. Two of these were Free-Soilers—Chase, of Ohio, and Sumner, of Massachusetts—men who fought together the battle of antislavery, and, while very different in personal qualities, were united by a lasting friendship and confidence. Chase was in some respects the abler of the two, gifted with strong practical sense in legislative matters, good powers of debate, and some of the useful qualities of the managing politician. He was a large man in every way but one; he was deficient in a sense of party loyalty, and, by his willingness to advance his

[1] Cf. Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xviii.

own interests without concerning himself much about his political friends, had won a reputation for self-seeking which stood in his way in later life. In the Senate, however, his bearing was admirable.[1] The northern compromisers and southern sectionalists had no more dangerous opponent. Sumner, his colleague, was a narrower man, less of a politician and less of a legislator, his main interests lying in the slavery contest. He brought with him to the Senate a florid eloquence, a biting tongue in debate, and an unflinching courage in enunciating the doctrines of the antislavery philosophy in the teeth of the southerners, which was later to cost him dearly.[2]

Wholly different from these men were two antislavery Whigs who now came forward. Wade, of Ohio, was a fighting northern partisan, a rough, fearless, practical westerner, with none of Sumner's eastern scholarship and little of Chase's solid legal training and ability, but well suited to aid these men in undermining the hold of compromisers upon the north. Seward, of New York, elected in 1849, was still different, for he was as much politician as antislavery statesman. Trained under Thurlow Weed, the master of the Whig machine in New York, he knew all the details of party management and was ever guided in his senatorial career by considerations of party and personal policy. He did not love a fight, as did Hale, Chase, and Sumner; and his

[1] Hart, *Chase*, chaps. iv., v.
[2] Pierce, *Sumner*, I., chaps. xxxv.–xlii.

speeches in the Senate were rather party and personal manifestoes than a share in a give-and-take debate; but his reputation as party leader often gave them an importance which the more strictly forensic efforts of the others failed to secure.[1]

At a later time these leaders were joined by a host of other antislavery representatives, in House and Senate, especially Trumbull, of Illinois, a hard-hitting debater, and Wilson, of Massachusetts, an antislavery politician with a power of party management equal to Seward's. No one of these men, however, was individually the equal of Douglas, and it was not until Abraham Lincoln issued from private life in 1858 that his hold upon the west was shaken.

Over against the northern radicals stood a group of southern proslavery statesmen, destined to lead their states into secession and civil war. These men, whether nominally Whigs or Democrats, differed from their great forerunner, Calhoun, in openly and frankly holding that the sectional interests of their states were superior to any incompatible claims of the Union, and in making that the main-spring of their action. They regarded the north with unconcealed suspicion and hostility, and were equally ready to secede or to stay, according to the benefits which their section derived from the situation. Inasmuch as their attitude was the most direct threat to the perpetuity of the Union, they were regarded by the northern Unionists as the chief power to be

[1] Cf. Bancroft, *Seward*, I., chaps. xii.–xxi.

conciliated, and thence came their strong influence over such Whigs as Webster, Everett, and Choate, and such Democrats as Cass and Buchanan. No group of men in the country was so powerful: they dictated platforms, inspired executive policy in domestic and foreign affairs, and exercised in Congress an almost unbroken parliamentary supremacy. Utterly fearless in debate, they assumed and maintained a masterful control over less belligerent northerners, overawing them by their greater fluency of speech, their readiness to resort to personalities, and their hot tempers, which the social influence of the slave-holding south had not taught them to bridle.[1]

Among the more significant of these leaders were several former Unionists. Senator Toombs, of Georgia, whose reputation in the north was that of one of the hottest of the "fire-eaters," was really less extreme than many other southerners. Elected as a Whig to succeed Berrien in the Senate in 1851, he showed himself a man of great eloquence and strong personal assertiveness. In debate he held the foremost place until Jefferson Davis, of Mississippi, returned to his chair in 1857, when he became the southern spokesman. Davis was a more logical speaker than Toombs, less diffuse, and keener. When matched, as he was later, against the adroit and slippery Douglas, Davis, by his directness and singleness of aim, showed himself his equal. These two men, insisting on the rectitude of slavery and

[1] Brown, *Lower South*, 61, 80.

the rights of the states, proved too strong for the southern Unionists.

Yet neither Toombs nor Davis at that time was a secessionist; each avowed his preference for a continuance of the Union, but each showed clearly that when the choice had to be made between secession and a Union in which slavery was restricted, they would prefer disunion. Some other southerners were ready for secession at any time, notably William L. Yancey, of Alabama, a man of great popular eloquence, a born agitator and stump-speaker, whose desire for a separation from the north was so strong that he refused to serve in any federal office. Quitman, of Mississippi, a strong advocate of Cuban annexation, was also ready for secession as soon as possible, and many South-Carolinians, notably Barnwell Rhett, who remained out of politics during most of this decade. Both Senate and House in these years contained a group of southerners of the Davis and Yancey type, all marked by the same readiness in debate, sensitiveness to the rights of their section, and self-confident spirit in all affairs. They had a dash, a vigor, a parliamentary "gallantry," to use the favorite southern adjective, entirely lacking among northern representatives. Such men as the fiery Stephens, of Georgia, Howell Cobb and Iverson of the same state, Clement C. Clay, the leading Alabama "fire-eater," and A. G. Brown, of Mississippi, had an advantage in debate not disturbed, until just before the Civil War the break-down of

Unionist sentiment at the north allowed a number of radical opponents of slavery to enter Congress and meet the fire-eaters with equal spirit, if not with equal eloquence.

The older generation of statesmen took with them into the grave or into retirement not merely their lively Unionist spirit, but also their old-fashioned opposition to a partisan civil service. As a rule, men like Clay, Webster, Adams, and, above all others, Calhoun, had no love for office-broking, and looked with contempt upon such political manipulation as was perfected by Van Buren, Weed, and other machine managers. But the rising generation of party leaders in the north entertained no such feelings. Davis, Toombs, Seward, Chase, Lincoln, and Douglas alike considered the filling of offices with personal and party friends as the natural course of events.[1] The last relic of reluctance to avow the principles of rotation in office was exhibited when the Whigs, under Taylor and Fillmore, still affected to consider the turning out of Democrats to make place for office-seekers a "reform." The claim was denounced as hypocrisy by the defeated party. "Appointments and removals," said Bright, of Indiana, in the Senate, "were made throughout the Union and in every state on the sole ground that the incumbent was a Democrat and the applicant a Whig. If the removals had been made on this ground I do

[1] Salmon, *Appointing Power*, 76–85; Fish, *Civil Service and Patronage*, 161–164.

not believe there is a decapitated officer . . . that would have uttered a voice of complaint. . . . But when . . . the monstrous defence is set up that our friends were dishonest, unfaithful and incompetent, a reply is demanded. . . . Recollect, Mr. President, I am not complaining of the removal of my political friends, when that removal is made under the regular rules and articles of political warfare." [1]

When Pierce came in, the pressure for office was overwhelming; and the kind-hearted president, bewildered by the unbounded demands of office-seekers, and unable to say "no" to any one, was driven to distraction before the expiration of a year of his term. His fruitless efforts to please everybody succeeded merely in causing heart-burnings, and in leading to a complete rupture of the New York Democrats into two factions, the Hard-shells and the Soft-shells, who formed distinct organizations and remained bitterly at war for three years.[2]

Four years later, at the accession of Buchanan, the theory of rotation in office reached its full development, for although one Democratic president succeeded another, the pressure for removals was nearly as strong as though there had been a party change. Accordingly, almost without arousing comment, Buchanan turned large numbers of Pierce's appointees out of office in order to make places for new Demo-

[1] *Cong. Globe*, 31 Cong., 2 Sess., 155, 156.

[2] Fish, *Civil Service and Patronage*, 165; Rhodes, *United States*, I., 385–389, 399, 419–421.

cratic incumbents.[1] Marcy merely provoked a smile when he remarked, "They have it that I am the author of the doctrine that 'to the victors belong the spoils,' but I should never recommend the policy of pillaging my own camp." The last vestiges of opposition to the reign of spoils in federal offices seemed to have disappeared. At the south, however, the system was less fully developed. The personal and local character of politics prevented the rise of a class of office-seekers dependent upon patronage for a livelihood, and kept the federal service in these states comparatively free from plunder.[2]

Another feature of the new politics of the decade was the appearance of corruption. The industrial development of the north at this time, the growth of large cities, and the influx of hundreds of thousands of ignorant foreigners, largely Irish and German, produced the first unmistakable signs of a new era in machine politics. For the first time one encounters in the newspapers of these years rumors of the lavish use of money in elections and of bribery in legislatures. Actual corruption was proved in connection with land grants by a Wisconsin legislature in 1856, and with the tariff of 1857. "Bribery is comparatively of recent introduction in our country," wrote one observer. "Its effects are only very par-

[1] Fish, *Civil Service and Patronage*, 166; Salmon, *Appointing Power*, 84; Taney to Pierce, August 29, 1857, in *Am. Hist. Rev.*, X., 359.

[2] *Charleston Mercury*, April 4, 1857; Fish, *Civil Service and Patronage*, 157.

tially developed, but the rapid progress it has made within a few years is a fact too prominent to be overlooked and a warning too serious and too significant to be disregarded. . . . In some states wealthy and powerful corporations have usurped absolute power, controlling both the legislative and judicial action—its officers openly boasting that they carry the state in their pockets and that their corporation is rich enough to buy any legislation they want." [1] There is no reason to suppose that one party was materially better than the other: a Democratic legislature and Republican governor in Wisconsin took "gratuities" from a railway with equal facility,[2] and though the municipal corruption of New York City occurred under Democratic rule, the largest defaulter in a state office at this time was a Republican treasurer of Ohio during Chase's governorship.

Two scandals connected with cabinet officers took place under Whig administrations: the Galphin claim, in which George W. Crawford, secretary of war under Taylor, secured one-half the payment of the arrears of interest on a Revolutionary claim, amounting to ninety-four thousand dollars; and the Gardiner claim, where Corwin, as secretary of the treasury, received large sums from a claim later proved fraudulent.[3] In Buchanan's term, also, the Covode investigation, of a bitterly partisan char-

[1] Hazard, *Economics and Politics*, 118, 120.
[2] Tuttle, *Wisconsin*, 346, 356.
[3] Rhodes, *United States*, I., 203, 298.

acter, found evidence of corruption in purchasing votes in Congress for an administration measure by contracts, offices, and money bribes. These charges Buchanan denied sweepingly but ineffectually.[1] It was definitely proved at the outbreak of the Civil War that Floyd, Buchanan's secretary of war, was a defaulter under circumstances which showed a singularly dull sense of official propriety.

In New York City the employment of municipal offices to fill the pockets of party leaders was now in full operation. During years of turbulent politics, in which the figure of Fernando Wood, the first successful city boss, occupied the central place, the voters struggled with dishonest primary inspectors, corrupt election judges, and self-seeking leaders whose desire for reform was wholly subordinate to their personal interests. In 1853 there came an exposure of corruption of the kind which on many later occasions has produced waves of "reform." Bribery in the awarding of street railway franchises, corrupt contracts, the sale of offices, and inefficiency on the part of the police were revealed; but the strong control maintained by Wood over the voters was sufficient to bring him into power after a brief interval of "reform" government by a coalition candidate.[2]

In the decade after 1850 the elements of later political life were plainly visible. The old methods of Jacksonian days were superseded by a more so-

[1] *House Exec. Docs.*, 36 Cong., 1 Sess., No. 648.
[2] Myers, *Tammany Hall*, 178–230.

phisticated machinery, in which the nominating convention, party committee, and newspaper organ were not merely means for carrying elections, but were the field of operations of a perfectly well-defined class of professional politicians. The industrial revolution taking place in American economic life was affecting politics and making of them a business in city and country. The advent of a new political generation in the north meant the control of political life by men who were at the same time more elevated than their predecessors in their conception of personal liberty, and less elevated towards party organization and corrupt politics.

CHAPTER V

THE ERA OF RAILROAD BUILDING

(1850–1857)

ONE of the chief reasons for the hearty acceptance of the compromise measures as a final settlement was the fact that they were adopted in the midst of an era of great economic prosperity and optimism. To the men of the decade before the Civil War, the real interests of the country were financial, commercial, and industrial, and in their eyes the slavery controversy was an annoying interruption. Foremost among the causes for congratulation after the compromise was the opportunity for undivided attention to the absorbing expansion of the country's business.

The most striking economic fact of these years is the extension of the railway systems of the United States from the seaboard into the great plains, and the creation of a new economic balance. Under the influence of this new opportunity for exchange there came a great growth of American manufacturing, stimulated in addition by the sudden deluge of Californian gold and the temporary disorganization of European economic conditions through the Crimean

War. All these agencies combined to bring an era of confidence, hope, and expansion in agriculture, industry, and finance.

The construction of the first railways began slowly in the eastern states,[1] and for many years was carried on as an adjunct to river, canal, or other water carriage. The total number of miles built from 1830 to 1848 was under 6000; but after that year railroads suddenly became a mania, and no less than 16,500 miles were laid down between 1849 and 1857, the larger part in the interior. The barrier of the Appalachian Mountain system was penetrated by seven trunk lines, and these by their connections in the central states were able to reach the Ohio River at eight places and the Mississippi at ten. The first railroad to make a through connection to the lakes was the New York Central system in 1850; next followed the Erie road, whose completion to Dunkirk in 1851 was celebrated by a journey of the Fillmore cabinet, including Webster, from one end to the other. Farther south the Pennsylvania road reached Pittsburg in 1852, and the Baltimore and Ohio road was completed to Wheeling in 1853, the same year in which the Grand Trunk line was opened between Portland and Montreal. In contrast to these important connections between the northern seaboard and the interior, the southern communications lagged behind, none being com-

[1] Cf. MacDonald, *Jacksonian Democracy*, chap. vii.; Hart, *Slavery and Abolition*, chap. iii. (*Am. Nation*, XV., XVI.).

pleted before 1857. In this period the northeastern states built nearly 4000 miles, the south Atlantic states only 2750; the northern central states constructed no less than 7530 miles, the southern interior states only 2150.[1] In the "Old Northwest" this expansion was fairly extravagant, railways radiating from city to city until the region speedily became a net-work. The road-beds, it is true, were often of such a character as to appall an English engineer, and the cars and engines appeared flimsy; but, such as they were, they represented a great sinking of capital in a still sparsely settled community.

This extension of railways was not merely the venture of capitalists, but the absorbing interest of the people of the country. Where the laws permitted them, cities and counties subscribed liberally for the mortgage bonds which were the usual means of securing capital, and carried on fierce rivalries for the possession of railway communications. Individuals contributed from motives of local patriotism as well as from a desire to speculate, and popular meetings to agitate for branch lines and short connections gave the movement a semi-political aspect. Intense indignation was stirred up in New York, Buffalo, Cleveland, and Cincinnati when the people of the town of Erie, in order to preserve business for their freight-handlers and hotels, forcibly prevented the alteration of the broad-gauge railroad tracks in

[1] Eighth Census of the U. S., *Miscellaneous Statistics*, 323.

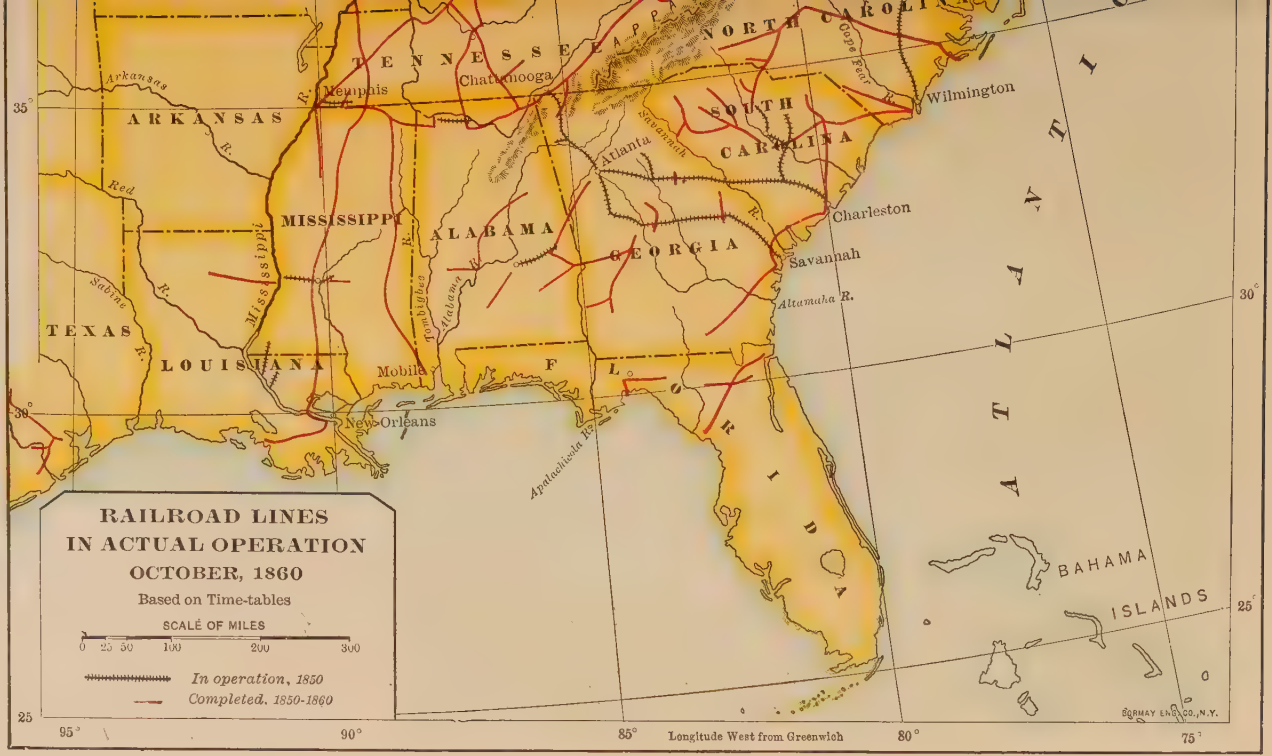
its territory to conform to the width of connecting lines. The "Erie war" attracted general interest in the early part of 1854, and the railroads were for a time held at bay; but the contest ended in the defeat of the obstructionists. All felt that the only salvation of a community from economic death depended upon good steam communications with the eastern seaboard, or at least with the leading lake or river cities. In this way, in the years from 1850–1857, the main lines of the present railway system of the United States east of Chicago were brought into being.[1]

Westerners rose to rhapsody in contemplating the situation. "The West is no longer the West, nor even the great West," said an enthusiastic Ohioan, "it is the great Centre. . . . The change is coming upon us so rapidly that only the young can fully appreciate it. Like a splendid dream will it appear to people of mature age. Before the census of 1860, the whistle of the locomotive and the roar of the rolling train will be heard at nearly every house and hamlet of the wide central plain, and no one but a hermit will be willing to live beyond the cheering sounds. . . . The imagination can conceive nothing more imposing than this march of humanity westward, to enter into possession of 'Time's noblest Empire.'"[2]

The telegraph, also, first used extensively in this

[1] Rhodes, *United States*, III., 21.
[2] *De Bow's Review*, XV., 50 (July, 1853).

95°
90
85°
80°
75°
70°
50°
45°
40°
Lake of the Woods
Lake Nipigon
BRITISH POSSESSIONS
LAKE SUPERIOR
MINNESOTA
MICHIGAN
WISCONSIN
LAKE MICHIGAN
LAKE HURON
Georgian Bay
St. Lawrence R.
MAINE
Portland
Boston
Providence
New Haven
LONG ISLAND
New York
Jersey City
Albany
Syracuse
Rochester
L. ONTARIO
NEW YORK
Buffalo
LAKE ERIE
Erie
Cleveland
PENNSYLVANIA
Philadelphia
Pittsburg
Baltimore
Washington
Delaware Bay
Mississippi R.
Milwaukee
Chicago
IOWA
ILLINOIS
INDIANA
OHIO
Missouri
Cincinnati
CEAN


RAILROAD LINES
IN ACTUAL OPERATION
OCTOBER, 1860
Based on Time-tables
SCALE OF MILES
0 25 50 100 200 300
In operation, 1850
Completed, 1850-1860
TENNESSEE
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
ALABAMA
MISSISSIPPI
ARKANSAS
LOUISIANA
TEXAS
FLORIDA
ATLANTIC
BAHAMA ISLANDS
Memphis
Chattanooga
Atlanta
Wilmington
Charleston
Savannah
Mobile
New Orleans
Arkansas R.
Red R.
Mississippi R.
Tombigbee R.
Alabama R.
Sabine R.
Apalachicola R.
Altamaha R.
Cape Fear R.
Savannah R.
35°
30°
25°
95°
90°
85°
80°
75°
Longitude West from Greenwich
BORMAY ENG. CO., N.Y.

decade, spread with the railways and branched into every important community. Mail routes took immediate advantage of the new lines, and Congress was led, in 1851, to pass a cheap-postage law. By 1855 the chief elements of the modern commercial world — namely, rapid transportation and prompt and easy communication by mail and telegraph — were established.

The general effect of this rush into railroad building was to upset the previous economic balance of the country. Prior to 1850 the only routes of transportation from the interior, except the turnpike roads over the mountains, were the Great Lakes and the Erie Canal or the Mississippi outlet to the Gulf. The traffic of the country ran, as a rule, upon north and south lines, the northern seaboard states trading with the southern by water, and the northern interior states reaching the southern central states and the exterior world by the great river system of the Mississippi and its branches. But after 1850 the opening of the trunk lines made it possible for the farmer of the west to ship his wool, cattle, and grain directly to the east, and receive in exchange the products of eastern mills and the wares of the importer. The whole current of trade in the free states swung in a new direction within a few years. Yet the inland and sea-coast navigation of these years did not feel the competition of railways sufficiently to keep it from continuing with great vigor, carried on by a host of light-draught, high-

sided river-steamers and a growing fleet of sail and steam craft upon the ocean and the Great Lakes.

The rush into railway building was accompanied by a rising demand for government assistance from the promoters in the western states, backed in most cases by the state legislatures. The first grant of public lands, in response to such an appeal, was the donation, in 1850, of two and a half million acres in the states between Lake Michigan and the Gulf of Mexico to the state of Illinois, by which it was to be transferred to the Illinois Central Railroad. This precedent was eagerly pressed by other western and southern states, but of fifteen similar land-grant bills to pass the Senate in 1851, only one passed the House. In 1853, however, Illinois, Mississippi, Alabama, Missouri, and Arkansas received coveted grants of land to be transferred to railways, and in 1856 no less than nineteen million acres were given for railroads in Florida, Alabama, Louisiana, Mississippi, Michigan, Wisconsin, Iowa, and Minnesota. The years following were busily occupied by the states mentioned in transmitting these gifts to railway corporations, though seldom with immediate satisfactory results.[1]

In addition to this federal munificence, several states, especially Tennessee, Georgia, and Florida, entered into financial support of railways which proved

[1] Sanborn, *Cong. Grants of Land to Railways*, chaps. ii.–iv., App. A; Hart, *Practical Essays in Am. Govt.*, 257.

at a later time a serious embarrassment.[1] The largest scheme was that of a railroad to the Pacific, to be built by the aid of federal land-grants of alternate sections along the line of the projected road. In spite of constant efforts by the California senators, no bill passed up to the Civil War, mainly because of the bitter quarrels over the eastern terminal; just as rival towns struggled for railway connections, so the north and south pulled against each other in urging New Orleans, St. Louis, or Chicago.

During these years the long-standing pressure for government aid to internal and sea-coast navigation was not forgotten. President Pierce's Democratic scruples, based on traditions of Madison, Monroe, and Jackson, were put to the test which Polk and Tyler had been obliged to meet, and, like them, Pierce did not flinch. In 1854 his veto blocked an internal improvement bill, but in 1856, when he returned five bills for deepening the channels of interior and sea-coast rivers, a Democratic Senate joined an opposition House in passing them over his veto.[2]

Side by side with these schemes for aiding railways and steamers went demands upon Congress and the state legislatures to regulate them. There was crying need for protection against the accidents which, in the age of reckless construction and unskilled operation, happened with appalling fre-

[1] Scott, *Repudiation of State Debts*, 51, 67, 98, 131; *De Bow's Review*, XX., 386 (March, 1856).

[2] Mason, *Veto Power*, 101–103

quency. The number of deaths from railway collisions and steamboat explosions and wrecks were such as in a time of less buoyant optimism would have filled the country with horror. In the first seven months of 1853 the *New York Herald* counted 65 railway accidents; the total for 1855 was 142. This was equalled by the list of steamboat accidents on the western rivers, which in 1853 amounted to 138.[1] The states struggled, without great success, to render travel less murderous by placing pecuniary responsibility for losses upon the rail road companies. Congress, with more decisive results, regulated steamboat traffic by an act passed in 1852 which provided for the inspection and licensing of steam vessels engaged in interstate commerce, with a view to enforce safety in construction and equipment.[2]

Such mighty changes had marked effects in transportation and upon the agricultural life of the country. The grain of the interior found an increased market in the east and in Europe, its sale abroad being stimulated by the reduction of the English corn tariffs and the loss of the Russian grain supply during the Crimean War. The northwest, hitherto content to feed the south, now found itself called upon to send its surplus to Europe, and the grain crops of the land swelled correspondingly from one

[1] *De Bow's Review*, XVII., 305 (September, 1854), XX., 393 (March, 1851).

[2] *Cong. Globe*, 32 Cong., 1 Sess., 1667–1672, 1737–1742.

hundred million bushels in 1850 to one hundred and seventy-one millions in 1860, of which more than one-half was grown in the "Old Northwest." Ohio, Indiana, Illinois, and Wisconsin replaced New York, Pennsylvania, and Virginia as the leading grain states. In the same way the centre of the grazing industry passed in this decade from the northeast to the states north of the Ohio River and to Texas, which furnished the bulk of the wool grown in the United States.[1]

In the south the railways shared, although to a less degree, in causing the great prosperity of the cotton-growers, which in this decade of general expansion seemed to surpass that of any other class in the Union. In spite of the rapid extension of the cotton culture in the southwest, and the increase of crops from an average of two million one hundred thousand bales before 1850 to more than three million three hundred thousand, the world's demand seemed unlimited, and the price remained at a profitable level.[2] If the prosperity of the whole region might be gauged by the success of this single crop—and southern writers and speakers invariably assumed that such was the case—the south was undeniably on the top wave. Never were prices for slaves higher nor the demand for their labor steadier. From all parts of the "cotton states" railroads and river-steamers brought to the exporting centres the

[1] Eighth Census of U. S., *Agriculture*, 184–191.
[2] Hammond, *Cotton Industry*, 250, App. 1.

one never-failing and profitable product. The value of exports of cotton grew from an average amount of sixty million dollars to a hundred millions in the years 1850–1857; and it was estimated that three-fourths of the total world's supply was furnished by the Gulf states. "Cotton is King," said the southern planter, and few ventured to contradict him. "In the three million bags of cotton the slave-labor annually throws upon the world for the poor and naked," wrote one, "we are doing more to advance civilization . . . than all the canting philanthropists of New and Old England will do in centuries. Slavery is the backbone of the Northern commercial as it is of the British manufacturing system. . . . Our labor has enabled us to make New England rich." [1]

The agricultural prosperity of the west and south was matched by a new industrial prosperity in the northeast, where all kinds of manufacturing felt a great impetus. The completion of the railroad connections with the interior offered an opportunity which the business men of New England, New York, and Pennsylvania were not slow to seize upon. A rapid extension of manufactures followed, especially in the staples, such as cotton goods, shoes, household articles, and the cheaper sorts of woollens. The production of pig-iron increased from an estimated output of 564,755 tons in 1850 to 883,137 in 1856, and iron manufacturing followed, although

[1] *De Bow's Review*, XVII., 284, 365.

more slowly. The optimism of the western farmer was fully equalled by the enthusiasm of the eastern manufacturer.[1]

In the face of the attractive field for investment offered by this new traffic of east with west, the long-established importance of the ship-building industry was now first threatened. In these years, between 1850 and 1857, American shipping reached its maximum, a flush of prosperity crowning a long period of success, before the inevitable decline resulting from the diversion of the capital once invested in it to more lucrative fields. These were the days of the American clipper-ships, marvels of speed and carrying-power under sail,[2] and they were also days of expansion in coasting-trade, new steamship lines being established from one end of the Atlantic seaboard to the other, and to Central and South America. In the trans-atlantic trade, the Collins line, aided by a government subsidy, built a fleet of paddle-wheel steamers which vigorously competed with the British Cunard mail line. Under the stimulus of the great export and import trade, the American merchant marine grew prodigiously, almost doubling its tonnage between 1850 and 1855, so that although British vessels were given reciprocal trading privileges, fully three-quarters of the country's foreign trade was carried on in American bottoms. The change from wood to iron as the standard for marine construction,

[1] Swank, *Iron in all Ages*, 376; Stanwood, *Tariff Controversies*, II., 87. [2] *Harper's Magazine*, LXV., 123 (July, 1882).

although officially recognized by the Lloyds in 1854, did not affect the well-being of American shipping during these years of prosperity.[1]

During this period the steady flow of gold from California powerfully affected the commercial imagination, creating the general sense of an inexhaustible reservoir of wealth and stimulating commerce and financial expansion. Nevertheless, although the mints from 1850 to 1857 added an annual average of nearly fifty millions in gold to the coinage, there was no sharp general rise in prices which could be laid to an increase in the currency. The range of prices in 1850–1857 appears to have been a result of sanguine spirit and business confidence rather than of inflation. The explanation is partly to be found in the fact that gold became a regular article of export during these years, and two-thirds of the total product, at least, left the country.[2]

An inevitable concomitant of the expansion of industry and transportation was an expansion in banking, in order to furnish the credit necessary to put the new enterprises into operation. From 1850 to 1857 the number of banks, all under state charters, increased from 824 to 1416, and the banking capital from $217,000,000 to $343,000,000, while circulation and deposits nearly doubled. To meet the obligations there was a specie reserve of less than one-seventh, clearly indicating a speculative spirit.

[1] Wells, *Our Merchant Marine*, 8–17; Bates, *American Marine*, 138–145.

[2] Dunbar, *Economic Essays*, 267.

The optimism and confidence of the country's financiers was shown still more by the increase of loans from $364,000,000 to $684,000,000, the repayment of which rested upon the success of new industrial ventures and the earning power of the new railroads.[1]

The condition of these fourteen hundred banks was far from uniform. In the east, where the institution of clearing-houses was now established, they were careful, and, on the whole, sound; but in some of the western and southern states, notably Illinois, they were recklessly extravagant and speculative. In nine states the revulsion against banks which followed the crisis of 1837 led to their absolute prohibition by state constitution or by popular referendum; and in most states attempts were made in these years to regulate and safeguard the practice of banking. No legislation, however, was adequate to secure to bank-notes anything like an approximately equal value in different states, or to prevent rashness in the management of bank capital; but for the time being universal prosperity obscured all doubts.[2]

The course of foreign trade in these years reflected the expansion of credit and commercial optimism. Exports, mainly of agricultural products, rose from $137,000,000 in 1850 to $338,000,000 in 1857, while imports grew at the same time from $178,000,000 to

[1] *Senate Exec. Docs.*, 37 Cong., 2 Sess., No. 2, pp. 358–360.
[2] Sumner, *Banking in all Nations*, I., 416–456.

$360,000,000, thus creating an annual balance against the United States of nearly thirty million dollars.[1] This apparent deficit was largely made up by actual shipments of California gold and by European investments in American railway projects to an amount variously estimated at from two hundred to five hundred million dollars.[2] The fact is also to be remembered that the carrying-trade, still mainly in American hands, earned high freights. Notwithstanding contemporary alarm over an abnormal foreign trade and reckless importation of luxuries, there is nothing to show that the commerce was beyond the abilities of the country.[3]

Government finances during these years offered no points of interest or difficulty beyond paying off the debts contracted during the Mexican War, for the annexations of California and Texas, and for the Gadsden purchase, and providing for coining the sudden flood of gold. The coinage acts of 1850 and 1853 practically made gold the standard, with subsidiary silver. Reduction of the debt was made possible by a surplus revenue resulting from the heavy importations, and under the provisions of an act of 1853 Secretary Guthrie, during Pierce's administration, was able to purchase United States securities at market prices. In this and other ways the debt was reduced from $68,000,000 in 1850 to

[1] *Senate Exec. Docs.*, 37 Cong., 2 Sess., No. 2, p. 223.
[2] Rhodes, *United States*, III., 53.
[3] Dunbar. *Economic Essays*, 268.

less than $29,000,000 in 1857.[1] Nevertheless, gold continued to accumulate in the sub-treasuries, and although Guthrie was a firm believer in the sub-treasury system, and had done much to improve its operation,[2] he felt this hoarding to be unhealthy, and repeatedly recommended a revision of the customs duties, from which nearly nine-tenths of the revenue was derived.

To diminish the unwelcome surplus, the existing tariff of 1846 was reduced in the last month of Pierce's administration by a bill which passed almost without debate and without eliciting popular interest. Protectionism as a political force seemed dead. The tariff of 1846 probably did not afford certain industries, notably the woollen, sufficient protection to enable them to endure competition from English mills; but although the woollen men, when the tariff was under consideration, exerted themselves to secure relief by getting wool on the free list, they failed. Only the lowest grades were so treated and the situation in the finer woollens remained unaltered. The House and Senate showed great indecision, adopting the most inconsistent amendments, but finally they joined in reducing the rates on the schedules of the tariff of 1846 by one-fifth to one-half. The vote for the bill bore no relation to party or sectional feeling, and seems to have included both advocates of protection and of free-trade. Every Massachusetts and

[1] Dewey, *Financial Hist. of the U. S.*, 248–274.
[2] Kinley, *Independent Treasury*, 46–64.

every South Carolina member voted for it. The issue which had been so prominent a generation earlier seemed to have dropped out of sight.[1]

So the country came to the end of Pierce's term in the flood-tide of prosperity, hopefulness, and contentment. If there were occasional doubters who queried the security of the foundations for the great expansion of credit, and doubted the immediate returns from all the new railways and mills, their voices were drowned in the general assertion of a magnificent industrial, agricultural, and financial future spreading before the "happiest people on God's earth."

[1] Stanwood, *Tariff Controversies*, II., 83–109.

CHAPTER VI

DIPLOMACY AND TROPICAL EXPANSION (1850–1855)

DURING the years after the compromise, the foreign relations of the United States were characterized by the same sense of national importance and spirit of expansion which brought about the annexation of Texas, the Oregon controversy, and the Mexican War.[1] A feeling of "manifest destiny" was in the air; people looked for additions of territory to the southward, and approved of a policy of national assertion at the expense of neighboring states and of European powers. It was an era of a crude belief in the universal superiority of "American institutions," a lofty contempt for the "effete monarchies" of Europe, and a strong sense of the righteousness of any aggressive action which the republic might undertake. Although the secretaries of state during this period were northern men of the older race of statesmen, Clayton, Webster, and Everett under Fillmore, Marcy under Pierce, and Cass under Buchanan; and were inclined by their political

[1] Cf. Garrison, *Westward Extension* (*Am. Nation*, XVII.), chaps. i., vi., xi., xiv.

experience and their mature years towards a cautious policy, they could not avoid being influenced by the prevailing spirit and showing it in language and action.

The chief obstacle in the way of a vigorous foreign policy, expressing this spirit of "manifest destiny," was the strong dislike which had grown up in the northern states towards any annexation involving an increase of slave territory. This feeling was shared by conservatives and anti-slavery men alike, and its existence, although veiled in the era of political calm, was known to the statesmen in charge of foreign affairs and had a strong restraining influence. Not even Marcy, the boldest of them all, was inclined to take any radical action without unmistakable signs of northern acquiescence. Nevertheless, so complete was the sectional quiet during Fillmore's term and the first part of Pierce's, that for a time an aggressive policy seemed likely to succeed.

The defiant attitude of the democratic republic towards "European despotism" was illustrated by a series of contentions with Austria. In 1849, Clayton sent an emissary, Dudley A. Mann, with instructions to recognize the Hungarian Republic in case it appeared to be firmly established. He found Hungary prostrate and so took no action; but the purpose of his errand became known to the Austrian government,[1] which instructed Huelsemann, the Austrian chargé-d'affaires, to protest against the mission as

[1] Curtis, *Webster*, II. 537.

unfriendly. It fell to Webster to respond, and he yielded so far to the complacency of the time as to write, December, 1850, a spirited reply, denying that the visit was an unfriendly act, and asserting the right of the American people to sympathize with the efforts of any nation to acquire liberty. He concluded with a direct comparison between Austria and the United States: "The power of this republic," he said, "at the present moment is spread over a region one of the richest and most fertile on the globe, and of an extent in comparison with which the possessions of the House of Hapsburg are but a patch on the earth's surface. . . . Life, liberty, property, and personal rights are amply secured to all citizens and protected by just and stable laws; and credit, public and private, is as well established as in any government of continental Europe. . . . Certainly the United States may be pardoned, even by those who profess adherence to the principles of absolute governments, if they entertain an ardent affection for those popular forms of political organization which have so rapidly advanced their own prosperity and happiness, and enabled them in so short a period to bring their country and the hemisphere to which it belongs to the notice and respectful regard—not to say the admiration—of the civilized world." [1]

Immediately following this letter, which Webster wrote, as he explained, in hopes of stimulating pride in the Union, the Kossuth craze came to emphasize

[1] *Senate Exec. Docs.*, 31 Cong., 2 Sess., No. 9, p. 7.

the popular sympathy with republican aspirations, and the general detestation of Austria and Russia.[1] In 1853 a similar opportunity was presented to Marcy, when Martin Koszta, a Hungarian refugee to the United States, who had declared his intention of becoming a citizen, returned to Europe before completing his naturalization and was seized by an Austrian cruiser in a Turkish port. Captain Ingraham, of the United States man-of-war *St. Louis*, took the bold step of forcing the Austrian vessel to release Koszta, and Huelsemann promptly presented a demand for reparation and the disavowal of his behavior; but Marcy, in a long despatch, absolutely refused any conciliatory action and justified Ingraham's course.[2]

National scorn of monarchical customs was also amusingly exhibited by a circular, issued when Marcy took charge of the state department, which advised American representatives at foreign courts not to wear any ceremonial uniforms, but to appear "like Franklin, in the simple costume of an American citizen." The sensation produced at several European capitals by the appearance of American ministers in ordinary civilian clothes was as ludicrous as it was genuine; and in Prussia, Spain, and France they were practically compelled to invent a court dress. Mason, at Paris, chose a fancy costume concocted by a Dutch tailor after the model of the servants of the Austrian

[1] See above, p. 30.

[2] *Senate Exec. Docs.*, 33 Cong., 1 Sess., No. 1, pp. 25–49.

legation. Buchanan, at London, provoked sneers in Conservative newspapers and had some difficulties with the master of ceremonies, but was finally allowed to attend in the "ordinary dress of an American citizen," to which, in order to distinguish himself from the court servants, he thoughtfully added a small sword. By this episode, as by the Austrian correspondence, notice was served upon Europe of the independent, democratic standards of the American republic.[1]

In diplomatic dealings involving positive action, the United States showed a vigorous attitude in minor matters in the far east. Under Webster and Marcy the Japanese government was obliged to receive the expedition of Commodore Perry in 1853, and to make a commercial treaty the next year, which opened Japanese ports to American trade and began the process of introducing western civilization.[2] Marcy went so far as to attempt to annex Hawaii, a step from which Webster had recoiled, and his plan was only wrecked by the death of the Hawaiian king in 1854.[3] Nearer home, a boundary question, arising over the line laid down in the treaty of Guadalupe-Hidalgo with Mexico, was settled in 1853 by purchasing, through James Gadsden, a strip of territory to the south of the Gila River, in order

[1] *Senate. Exec. Docs.*, 36 Cong., 1 Sess., No. 31; Curtis, *Buchanan*, II., 114.

[2] Nitobe, *The U. S. and Japan*, 37–69.

[3] Callahan, *Am. Relations in the Pacific*, 120–123.

that a future Southern Pacific railroad might run wholly over United States soil.[1]

In like manner the long-standing quarrel between Canadian authorities and New England fishermen, over the privileges granted by the treaty of 1818, was settled in this period. The Canadian government was eager to purchase commercial reciprocity, using the fisheries as a make-weight; but no treaty could be obtained, although an emissary made a fruitless visit to Washington in 1851. After this failure the Canadians resorted to the use of British men-of-war to seize suspected fishermen, which stirred up great indignation in New England, but led to no action until, in Marcy's régime, Lord Elgin visited Washington and succeeded in securing the ratification of a reciprocity treaty in 1854. This granted equal fishing rights (inshore and river fishing excepted) in return for commercial concessions.[2] The kind of diplomacy used by Lord Elgin was described by Laurence Oliphant of his suite, as "chaffing Yankees and slapping them on the back." "If you have got to deal with hogs," he queried, "what are you to do?"[3]

The really serious problems of these years, however, were those connected with southern expansion. The first related to Cuba, the annexation of which was ardently desired in the southern states, partly

[1] *Senate Exec. Docs.*, 32 Cong., 1 Sess., No. 97.
[2] Henderson, *Am. Diplomatic Questions*, 504 et seq.
[3] Oliphant, *Oliphant*, 109, 120.

as an expression of the general spirit of expansion, but more from the desire for slave territory. "If we hold Cuba," wrote one enthusiast, "we will hold the destiny of the richest and most increased commerce that has ever dazzled the cupidity of man. And with that commerce we can control the power of the world. . . . The world will fall back upon African labor, governed and owned in some shape or form by the white man, as it always has been. . . . We, too, are in the hands of a superintending Providence to work out the real regeneration of mankind." [1]

The other problem related to the control of the isthmus of Central America, which suddenly became important after 1848 as a link in the sea-passage to California. In the case of each of these regions the desires of the southern people were so keen that they led to repeated attempts by adventurers to gain military control in the hope of bringing about an eventual annexation. Whenever the government, impelled by popular interest, took any steps towards carrying out the expansionist dreams, it encountered the direct opposition of Great Britain in each field; and the diplomatic dealings which resulted were not confined to Spain or the petty Central American republics, but bore the character of a duel with a determined and persistent adversary and rival.

[1] *De Bow's Review*, XVII., 281 (September, 1854); Callahan, *Cuba and International Relations*, 198–228.

The first steps towards Cuban annexation in this period were taken under Polk, in 1848, when Saunders, the American representative at Madrid, was instructed to sound the Spanish government. The prompt reply he received from the minister of foreign affairs was typical of the Spanish attitude on the question from this time until the crisis half a century later. He was told that "it was more than any minister would dare to entertain such a proposition; . . . such was the feeling of the country that sooner than see the island transferred to *any power* they would prefer seeing it sunk in the ocean." [1] In the face of such a determined position no further action was taken by the United States, but the idea was spread in the south by Spanish refugees that Cuba itself was ready to revolt, resulting in a series of filibustering attempts, engineered by Narcisso Lopez, an adventurer from South America. Although the Spanish minister at Washington, the persistent Calderon de la Barca, was kept well informed of the progress of every plot and poured a stream of angry notes upon the state department, nothing could prevent the raiders from acting. Clayton and Webster were honestly desirous to preserve neutrality, but the sympathy of nine-tenths of the southern people was so strongly with Lopez that the laws could not be enforced. Taylor issued a proclamation against filibustering in 1849 and managed to prevent the departure of the first expedition, but the second one

[1] *House Exec. Docs.*, 32 Cong., 1 Sess., No. 121, p. 58.

escaped, only to fail miserably, Lopez taking refuge at Key West, while a number of his followers were caught and tried for piracy.[1]

Clayton used his utmost efforts to secure the release of these men, going so far as to threaten a "sanguinary war" in case the prisoners were not sent home to meet the merited punishment of "the indignant frowns of their fellow-citizens," [2] but it was not until Webster became secretary that their release was accomplished through Barringer, the minister at Madrid. Meanwhile, Lopez was triumphantly acquitted by a southern jury when tried on the charge of violating the neutrality laws, gathered a new force, undisturbed by Calderon's heated protests, and made a second descent on the island in August, 1851. He found no support, was driven to the hills, captured, and promptly garroted; while fifty of his followers, including young men from prominent southern families, were shot after a summary court-martial. When the news of this severity reached New Orleans, the centre of filibustering sympathy, a mob wrecked the Spanish consulate, defaced a portrait of the queen, and looted Spanish shops.[3]

In this affair the United States was so clearly in the wrong that aggressive action was out of the

[1] *Senate Exec. Docs.*, 31 Cong., 2 Sess., No. 41, p. 3.
[2] Clayton to Calderon, July 9, Clayton to Barringer, July 1, *Senate Exec. Docs.*, 31 Cong., 2 Sess., No. 41.
[3] *House Exec. Docs.*, 32 Cong., 1 Sess., No. 2, p. 26.

question. Webster offered reparation for the insult, and recommended that Congress make indemnity for the damage, but although this straightforward action secured the release of the surviving prisoners, relations with Spain continued to be strained.[1] The Cuban administration adopted a suspicious and arbitrary attitude towards Americans, and the last months of Fillmore's term were filled with complaints from traders of intolerable exactions and extortions for which no redress could be obtained, since the Spanish captain-general had no diplomatic functions and declined to deal with American consuls or agents.[2]

The unconciliatory attitude of the Spanish government at this time was undoubtedly due to a sense of British support. In 1851 the British and French ministers announced at Washington that their men-of-war had orders to prevent filibustering, which brought out from Crittenden, acting secretary during an illness of Webster, a strong protest. Later, in April, 1852, at the suggestion of the Spanish government, England proposed a tripartite agreement, by which Great Britain, France, and the United States should mutually renounce any purpose of annexing Cuba; but Everett firmly declined to be drawn into any such arrangement, on the ground of

[1] *House Exec. Docs.*, 32 Cong., 1 Sess., No. 19, pp. 2–7.

[2] *Ibid.*, 33 Cong., 1 Sess., No. 86; Latané, *Diplomacy of the U. S. in Regard to Cuba*, 232–239; Callahan, *Cuba and International Relations*, 221–255.

the peculiar interests of the United States in the island.[1]

When Pierce assumed office, the whole country undoubtedly looked for vigorous action in foreign affairs, especially the annexation of Cuba; and Marcy, his secretary, was expected to take the matter promptly in hand. Marcy, however, although not averse to annexation, was conservative, cold-blooded, and lawyer-like, and unwilling to take decisive steps without a perfectly secure footing. This caution fell far short of the desires of the southern Democrats and, for the moment, of the northern party leaders; for in 1853 the exasperation in commercial centres over the unfriendly Spanish policy in Cuba was such that a war might not have been unpopular. The new minister at Madrid was Pierre Soulé, of Louisiana, a hot-headed Frenchman, an avowed annexationist, and a sympathizer with filibusters, a man contrasting strongly with his Whig predecessor, the firm yet cautious Barringer. Marcy's instructions to Soulé bade him be slow to raise the question of annexation, in view of the existing irritation of Spanish feeling; but directed him to press for reparation for outrages in Cuba and especially to demand the conferring of sufficient diplomatic power upon the Cuban captain-general to permit complaints to be lodged with him without the

[1] *Senate Exec. Docs.*, 32 Cong., 1 Sess., No. 1, pp. 74, 76; 2 Sess., No. 63.

necessity of waiting weeks and months for replies from Madrid.[1]

Soulé's career in Spain was a series of blunders. At the outset, finding no business of a pressing character, he vented his temper in a duel with the French ambassador.[2] Soon news came from Cuba which seemed to the excitable minister the proper pretext for a diplomatic rupture. The cargo of the steamer *Black Warrior*, which for months had been making trips to Havana without molestation, was suddenly condemned for the violation of an obsolete harbor regulation, a crowning example of the irritating policy of the Cuban authorities. The hot-heads in the United States clamored for war, and Congress resounded with angry speeches; but Soulé, in his rashness, threw away whatever tactical advantages this situation had given him. After presenting a claim for damages on April 8, and receiving no reply for three days, he sent a second note demanding reparation within forty-eight hours, under threat of asking for his passports. Such hasty action transferred the grievance to the other side, now represented by the former minister to Washington, Calderon de la Barca; and since Soulé was left without support from Marcy the whole affair evaporated in bluster. In spite of Soulé's angry arguments that Spain needed to be taught a lesson, Marcy would make no ultimatum; for events at home had begun

[1] Marcy to Soulé, July 23, 1853, *House Exec. Docs.*, 33 Cong., 2 Sess., No. 93, p. 3. [2] Rhodes, *United States*, II., 11–15.

to appear so threatening that the secretary was resolved to invite no foreign complication.[1] In 1855 the United States accepted a tardy apology and reparation for the *Black Warrior* seizure, and the incident was closed.

Meanwhile, Soulé made a final false step, which led to the collapse of his diplomatic career. Marcy instructed him to join with Mason, minister to France, and Buchanan, minister to England, in conferring upon a policy to be followed by the United States towards Cuba, and the three ministers met accordingly, at Ostend, in the summer of 1854. The result was the draught of a manifesto which was sent to Marcy in October, to the effect that Spain ought to sell Cuba to the United States; that Cuba was necessary for the safety of slavery in the southern states of the Union; and that if Spain, "dead to the voice of her own interest and actuated by . . . a false sense of honor, should refuse to sell Cuba," then, in case the internal peace of the Union was endangered, "by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power." [2] In transmitting this surprising document, Soulé added that now was the time to declare war upon Spain, since England and France were involved in the Crimean struggle and would be unable to interpose.

Marcy, however, received the manifesto with ill-

[1] *House Exec. Docs.*, 33 Cong., 2 Sess., No. 93, pp. 30–120.
[2] *Ibid.*, 127–132.

concealed surprise, and replied in a note which ironically assumed that "It was not intended by yourself or your colleagues to offer to Spain the alternative of cession or seizure."[1] When the correspondence and the manifesto were published in March, 1855, the unsparing condemnation expressed in the north showed that the time had gone by when an aggressive Cuban policy could receive support or acquiescence from a united public. Soulé resigned in disgust and the Cuban episode came to an end.[2]

The Central American question brought the United States into conflict with an equally pertinacious and more formidable antagonist. Great Britain was first in the field with the colony of Belize on the coast of Honduras and a traditional but ill-defined protectorate over the obscure tribe of Mosquito Indians on the eastern shore of Nicaragua. When the importance of the isthmian transit became visible, especially the Nicaragua route, a sudden scramble began for its control. Chatfield, the British representative, showed a tendency to stretch the elastic Mosquito protectorate over the San Juan River—the eastern part of the Nicaragua passage—and in 1849 caused the occupation of Tigre Island, on the coast of Honduras, to command the western end. Hise, the American minister sent by Polk, met this move by

[1] *House Exec. Docs.*, 33 Cong., 2 Sess., No. 93, p. 135.

[2] Latané, *Diplomacy of the U. S. in Regard to Cuba*, 240–249; Callahan, *Cuba and International Relations*, 257–288; Webster, "Mr. Marcy, the Cuban Question," in *Pol. Sci. Quart.*, VIII., 1–32 (March, 1893).

securing a treaty from Nicaragua which gave the United States exclusive privileges over the canal route; and when this failed of ratification by the Senate, Squier, his successor, made another treaty, securing somewhat less extensive privileges, and, in addition, induced Honduras to cede Tigre Island, which the British had occupied, to the United States.[1]

Each country protested vigorously against the actions of the other's agents, but after a year of negotiations, Clayton agreed with Sir Henry Bulwer, in 1850, upon a treaty which compromised the rival claims. Each country promised to aid in the construction of an interoceanic canal through Nicaragua, to guarantee its neutrality, and explicitly to renounce any "dominion over Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America." The principle of neutrality was to be extended to any other canal that might be built, and other powers were invited to join in the neutralization of the region.[2] This arrangement was regarded at the time as a substantial triumph for the United States, and during the next two years Webster labored vainly to settle the dispute between Nicaragua and Costa Rica, concerning their boundary in the vicinity of the San Juan River, where an American "Accessory

[1] *Senate Exec. Docs.*, 31 Cong., 2 Sess., No. 43; Travis, *Clayton-Bulwer Treaty*, 31–71; Henderson, *Am. Diplomatic Questions*, 106–123; Keasbey, *Nicaragua Canal*, chaps. x., xi.

[2] MacDonald. *Select Documents*. 373.

Transit Company" was now operating a line of steamers.

As time went on, however, the conditions on the isthmus did not seem to square with the state of things assumed in the treaty. While Great Britain abandoned Tigre Island, she still retained the Mosquito protectorate as well as Belize; and in the summer of 1852 took the step of annexing some islands off the Honduras coast and erecting them into the colony of "The Bay Islands." At the same time Greytown, a trading-post in Nicaragua at the mouth of the San Juan River, was established as a "free city" through the active support of the British representative in the so-called Mosquito protectorate. In 1851 this mushroom sovereignty endeavored to levy port dues upon the steamers of the Transit Company, and when one of these, the *Prometheus*, refused to pay, it was fired upon by a British man-of-war. These actions could not fail to create an impression in the United States that England was deliberately violating the Clayton-Bulwer treaty, and caused wide-spread indignation.[1]

Finally, in the last session of Congress in Fillmore's term, it was brought to light in a heated debate in the Senate, that before signing the treaty in 1850, Sir Henry Bulwer had left with Clayton a memorandum stating that the British government did not construe its renunciation of "dominion" in Central America to apply to Belize "or any of its dependen-

[1] *Senate Exec. Docs.*, 33 Cong., 1 Sess., No. 8.

cies." This explained the recent action of England and made it clear that Clayton, in allowing this memorandum to stand as an unacknowledged part of the treaty, had deprived his work of much of its value. The whole subject was accordingly reopened.[1]

When Marcy assumed office he took up the problem in a resolute fashion, making a direct attack upon the British position by instructing Buchanan to insist upon a renunciation by Great Britain of the shadowy Mosquito protectorate. Marcy's language was that of an aggrieved party and was so vigorous that Lord Clarendon termed it "hostile."[2] He not only stigmatized the retention of the Bay Islands and the Mosquito claim as a violation of the treaty and a mere "convenience to sustain British pretensions," but denied any legal basis for the Belize Colony.[3] To this Clarendon replied emphatically that the Clayton-Bulwer treaty was not meant to be renunciatory and would not be so construed by the British government. Meanwhile, to aggravate the situation, an explosion took place at the self-styled "free city" of Greytown. The Accessory Transit Company continued to be embroiled with the "City" government, its buildings being saved

[1] *Cong. Globe*, 32 Cong., 2 Sess., 237; Lawrence, *Disputed Questions*, 89–103.

[2] Clarendon to Crampton, July 22, 1853, *Brit. and For. State Papers*, XLII., 253.

[3] Marcy to Buchanan, July 2, 1853, *Senate Exec. Docs.*, 34 Cong., 1 Sess., No. 1, p. 42.

from destruction only by the interposition of the United States vessel the *Cyane;* until in June, 1854, an affray occurred in which one of the officers of the company's steamers killed an individual, and a mob, in revenge, attacked the United States consul. Thereupon Lieutenant Hollins, of the *Cyane*, demanded reparation, and, in default, bombarded and destroyed the town; while the commander of a British vessel present at the time protested that only inferior strength prevented him from interposing. Each government seemed inclined to maintain its position stiffly, and the action of the United States showed a willingness to resort to force.[1]

At this juncture, when the United States had embarked in a serious controversy with Great Britain, marked by every sign of ill-temper, and while Great Britain was embarrassed by the outbreak of the Crimean War, Marcy contented himself with furnishing arguments to Buchànan and hinting at the abrogation of the treaty, but took no definite action. The quarrel which had begun so threateningly dwindled to a mere diplomatic fencing between the patient and courteous Buchanan and the British foreign secretary, in such spare moments as the latter could afford in the midst of his serious European complications.[2]

[1] Travis, *Clayton-Bulwer Treaty*, 153 et seq.; *Senate Exec. Docs.*, 33 Cong., 1 Sess., No. 85.

[2] Marcy to Buchanan, June 12, 1854, *Senate Exec. Docs.*, 34 Cong., 1 Sess., No. 1, p. 67.

The influence which put a veto upon an aggressive policy towards Spain and restrained Marcy from pushing the Central American controversy with vigor was a sudden violent tempest of sectional feeling and an overwhelming defeat of the Pierce administration at the polls. The attention of the country was wholly engrossed with a renewal of the slavery controversy, and Marcy was far too prudent to commit the administration to any grave foreign policy in such a crisis. The time for southern expansion as a means for increasing slave territory had gone by.[1]

[1] This subject is continued in chap. xviii., below.

CHAPTER VII

THE KANSAS-NEBRASKA BILL

(1853–1854)

THE divergent interests of the sections were such that the calm produced by the general acquiescence in the compromise of 1850 could not have endured indefinitely; sooner or later the slumbering antagonism must have been aroused. Nevertheless, the measure which disturbed the national quiet and led to a sudden sharp revival of the sectional struggle, seems to have been at that time an undeniable political blunder. At the opening of the session of Congress in December, 1853, there was no federal territory where the status of slavery was not fixed by some law bearing the character of an agreement between the sections; and the federal government and most of the state governments were in the hands of a party committed to the carrying-out of the compromise measures. In his first annual message, Pierce congratulated the country upon its calm, and added: "That this repose is to suffer no shock during my official term if I have power to avert it, those who placed me here may be assured." [1]

[1] Richardson, *Messages and Papers*, V., 222.

Among minor matters requiring consideration at this time was that of a territorial organization for the region known as Nebraska, comprising that part of the old Louisiana purchase west of Iowa and Missouri. It was still mainly left to Indian tribes, and had few white inhabitants, but there was a growing desire in western Missouri for a chance to settle in the territory, and a need for protecting the transcontinental wagon route. Hence, Douglas, of Illinois, introduced a series of bills for that purpose, one of which passed the House in 1853, but was blocked in the Senate. Nothing in the bill nor in the language of any of its supporters indicated the idea that the prohibition of slavery in Nebraska by the Missouri Compromise was affected.[1] There was, therefore, nothing to connect the proposed measure with any danger to the political calm.

January 4, 1854, Douglas reported to the Senate from the committee on territories a new Nebraska bill which added to the formal sections a proviso permitting the territory to enter the Union when it became a state, "with or without slavery." The accompanying report said, in substance, that since many southerners thought the Missouri Compromise unconstitutional, and since the principle of non-intervention had been established by the compromise of 1850, it was advisable to treat all territories as New Mexico and Utah had been dealt with.[2] The

[1] *Cong. Globe*, 32 Cong., 2 Sess., 1113 (March 3, 1853).
[2] *Senate Reports*, 33 Cong., 1 Sess., No. 15.

bill apparently left the existing prohibition of slavery undisturbed and yet indirectly authorized the inhabitants to disregard it.

Douglas appears to have introduced this singular and startling proposition entirely on his own motion,[1] and its purpose seems to have been nothing more nor less than an effort on the part of a presidential candidate to secure favor in a quarter where he lacked popularity. Douglas was too thorough a Democrat in person and in feeling to be regarded with sympathy by the aristocratic south, and if he was to be successful in the Democratic national convention of 1856, he saw that he must somehow gain southern approbation. He undoubtedly thought that by applying the "principle of non-intervention," so successful in allaying discord since 1850, he could win the applause of the south and retain the support of all conservatives at the north who were committed to upholding as a finality the similar arrangement in the cases of Utah and New Mexico. That his bill would produce a revolution in politics and do more than any one thing to precipitate civil war never entered his head. His action was based on a total failure to comprehend the veiled sectionalism of the time and a still deeper inability to grasp the moral bearing of the anti-slavery feeling of the north. At no time in all his relations with the slavery controversy did Douglas show any other criterion than that of immediate political success; and

[1] *Cong. Globe*, 33 Cong., 2 Sess., 216.

hence all his energy and ability led him ultimately to disaster.

Instantly the question rose as to the exact meaning of the bill, and Douglas was promptly obliged to forsake his vagueness, for on January 16 Dixon, of Kentucky, offered an amendment expressly repealing the Missouri Compromise; and the next day Sumner responded by offering one expressly reaffirming that clause. It now became necessary for Douglas to commit himself, and with reluctance he decided to risk everything, to accept the principle of the Dixon amendment, and to take the consequences.[1] The first step was to secure the approval of the president, and in this Jefferson Davis, secretary of war, acted as intermediary. In an interview on January 22, Pierce gave his assent,[2] for he too was thinking of 1856 and could not risk offending southern supporters. Pierce's conduct has been severely criticised in view of his pledge to allow no disturbance of the existing repose. A far-sighted leader would have foreseen the dangers involved in such a radical proposal as the repeal of the Missouri Compromise; but Pierce was not far-sighted nor was he in any sense a leader. He was simply a man of moderate abilities, good intentions, and personally attractive qualities, who was wholly dominated by his party and its acknowledged leaders.

[1] Dixon, *Hist. of Missouri Compromise*, 442–450.

[2] Davis, *Confederate Government*, I., 28; Webster, "The Responsibility for Secession," in *Pol. Sci. Quart.*, VIII., 278.

The bill was again reported by Douglas on the 24th, with new provisions, by which the Missouri Compromise was openly repealed, on the ground that it was "superseded by the principles of the legislation of 1850," and the territory was divided into two parts, that lying west of Missouri to be called Kansas, the rest to remain as Nebraska. It was clearly intended by this last change to prepare Kansas for settlement by the Missourians; while Nebraska, with the larger limits, was left to the slower process of northern immigration. At the same time the *Washington Union*, reputed to be Pierce's organ, printed an editorial saying that the administration approved the Kansas-Nebraska bill and regarded it as "a test of Democratic orthodoxy." [1] The proposition was now fairly before the country.

By this time the public at the north realized that something startling was under way, and newspapers began to spread the alarm that Douglas and the administration were attempting to open the territories to slavery and disturb the existing equilibrium. Whig and Democratic, as well as Free Soil, papers grew extremely bitter in their comments when the bill was reported in its second form. Then appeared, January 24, a solemn and impassioned protest, written by Chase and signed by the group of third-party men in Congress, entitled the "Appeal of the Inde-

[1] January 24, 1854: quoted by Rhodes, *United States*, I., 441; cf. Webster, in *Pol. Sci. Quart.*, VIII., 227.

pendent Democrats in Congress to the people of the United States." They called upon the people of the north to oppose the passage of the bill by every possible means of protest; they arraigned it in strong language as "a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot"; they called the repealing clause, with its reference to the compromise of 1850, "a manifest falsification of the truth of History"; they accused Douglas of criminal ambition, and in conclusion they asked: "Will the people permit their dearest interests to be thus made the mere hazards of a presidential game?" [1] By the time debate opened, the interest of the whole country was concentrated upon the measure, and sectional passions were rising with alarming rapidity.

Then followed one of the most desperate contests in the history of Congress. In the Senate the debate lasted from January 30, almost without interruption, until March 3. It was seen from the start that, with the Democratic administration and most of the southern Whigs to aid him, Douglas was secure of passing his bill through the Senate; but the debating strength of the minority was totally unexpected, and the country hung upon the speeches with unrelaxing tension. Douglas began with a savage personal attack upon Chase and the Independent Democrats, whom he accused of having "applied coarse epithets by name" to him in their address, and of stirring

[1] *National Era*, January 24, 1854; cf. Hart, *Chase*, 138–143.

the alarm of the north by deception. "This tornado," he cried, "has been raised by Abolitionists and Abolitionists alone. They have made an impression upon the public mind . . . by a falsification of the law and of the facts." [1]

On the other side the assailants of the bill replied with exasperating emphasis, especially Chase, who in this debate reached in many respects the highest point of his senatorial career. He spoke not merely for the small third-party group, but for the entire north, and in strength of argument, boldness, and directness of attack he took the leadership. He tore the sham features from the bill with merciless hand. "The truth is," he said, "the Compromise acts of 1850 were not intended to introduce any principle of territorial organization to any other territory except that covered by them. . . . Senators, will you unite in a statement which you know to be contradicted by the history of the country? . . . If you wish to break up the time-honored compact embodied in the Missouri Compromise, . . . do it openly, do it boldly. Repeal the Missouri prohibition. Do not declare it 'inoperative' because 'superseded by the principles of the legislation of 1850.' . . . You may pass it here," he continued, "it may become law. But its effect will be to satisfy all thinking men that no compromises with slavery will endure, except so long as they serve the interests of slavery. . . . This discussion will hasten the inevitable reorganization of par-

[1] *Cong. Globe*, 33 Cong., 1 Sess., 279.

ties upon the new issues. . . . It will light up a fire in the country which may, perhaps, consume those who kindle it." [1]

Besides Chase, Sumner spoke for the Free Democrats, Seward for the anti-slavery Whigs, and Everett for the Webster Whigs, all opposing the bill on the ground of its violation of national faith. Another recruit was Chase's colleague, Wade, who up to this time had made no strong impression on the Senate, but who now found a proper field for his rough and aggressive manner in assailing the south and the Democrats. Without Douglas's wonderful adroitness he had much of Douglas's strength in invective, and was from this time among the foremost northern combatants.

On the other side long speeches were made by the leading southern senators; but the real defence of the bill rested with Douglas, who showed in this contest an ability in parliamentary combat unequalled by any of his opponents. His arguments, whether good or bad, were presented in such a manner as to appear plausible and reasonable. He dwelt at length upon the futility of mere laws to exclude or establish slavery in any territory, asserting that the Northwest Ordinance, the Missouri Compromise, and the Oregon act had been mere superfluities, the real decision in every case having been made by the settlers in those regions. Hence he insisted upon the universal applicability of the "principle of non-intervention,"

[1] *Cong. Globe*, 33 Cong., 1 Sess., App., 139, 140.

claiming the authority of Clay for its support. Further, he repeatedly assailed the Missouri Compromise as in no sense a real compact, and by continually attacking minor defects in his opponents' reasoning made it appear that they and not he were on the defensive before the country.

In the final session Douglas kept up a running debate single-handed against Seward, Sumner, Everett, and Chase, and showed himself more than their equal, closing by a series of bitterly personal attacks upon Chase and Sumner. He accused them of entering the Senate "by corrupt bargain, or a dishonorable coalition in which their character, principles and honor were set up at public auction or private sale. . . . Why," he concluded, "can we not adopt the principle of this bill as a rule of action in all territorial organizations? Why can we not deprive these agitators of their vocation? . . . I believe that the peace, the harmony and the perpetuity of the union require us to go back to the doctrines of the Revolution, to the principles of the Constitution, to the principles of the Compromise of 1850, and leave the people, under the Constitution, to do as they may see proper in respect to their own internal affairs." [1]

However much Douglas might attempt to restate his proposition in a form more attractive to the north, the issue was the naked one of opening to the introduction of slaves a territory from which they had hitherto been excluded. Chase and Sum-

[1] *Cong. Globe*, 33 Cong., 1 Sess., App., 337, 338.

ner continually offered amendments designed to emphasize this fact, but their propositions were voted down without ceremony by the administration majority. The only amendments of importance were two providing that the old laws of Louisiana recognizing slavery should not be revived; and limiting the right to acquire and hold land to American citizens. Douglas further accepted an amendment eliminating the equivocal phrase "superseded by" the compromise of 1850, and substituting the words "inconsistent with." A proviso was also added, declaring it to be "the true intent and meaning of this act not to legislate slavery into any territory or state, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their own domestic institutions in their own way." Benton sneered at this as "a little stump speech injected in the belly of the bill." [1] In this form the measure was finally passed, March 3, 1854, by a vote of 37 to 14. The majority was composed of 28 Democrats, northern and southern, and 9 southern Whigs. The minority comprised 2 Free-Soilers, 6 northern Whigs, 1 southern Whig—Bell, of Tennessee—4 northern Democrats, and 1 southern Democrat—Houston, of Texas.

The struggle was now transferred to the House, but when, on motion of Richardson, of Illinois, Douglas's lieutenant, the bill was taken up on March 21, it was placed on the calendar of the committee of the

[1] *Cong. Globe*, 33 Cong., 1 Sess., App., 559.

whole by a vote of 110 to 95. With fifty others ahead of it, the measure seemed placed beyond the reach of legislation; but it was generally recognized that it was not dead. The willingness of the "Hard" faction of New York Democrats to harass the president caused this apparent defeat, and not a genuine opposition to the bill. Still for weeks it was in abeyance and the country remained in suspense.

Meanwhile the members of Congress and the administration were treated to an explosion of fury in the north which surpassed anything in the memory of living men. At a breath the contented calm of 1853 vanished in a storm of anger towards Douglas, Pierce, and the south. From outraged conservatives who saw their cherished compromise disturbed, to radical anti-slavery men who fiercely welcomed the bill as an unmasking of the perfidy of the "slave power," arose a tempest of protest. Editorials and public letters were followed by meetings, without distinction of party, to denounce the bill, at first singly in the large cities, then by dozens, scores, hundreds in nearly every county and town of the free states. Five northern legislatures passed resolutions of protest. Ministers of all denominations preached sermons against "the Nebraska iniquity," and from them and from thousands of others petitions and remonstrances of every sort began to pour in upon Congress.[1]

On the other side the bill received scant applause.

[1] Rhodes, *United States*, I., 463–488

Those in the northern states who did not object to it were silent in the tumult of denunciation, and only a few administration newspapers attempted any defence of the measure. Three Democratic legislatures refused to take any action in the matter, and the only one to pass approving resolutions was that of Illinois, Douglas's own constituency. In the south the general feeling was at first indifference, and the repeal of the Missouri Compromise under Douglas's leadership was regarded as a northern affair; but when the rising anti-slavery excitement became evident, southern newspapers rallied to uphold Pierce. Still, vigorous popular support to counterbalance the northern agitation was lacking.

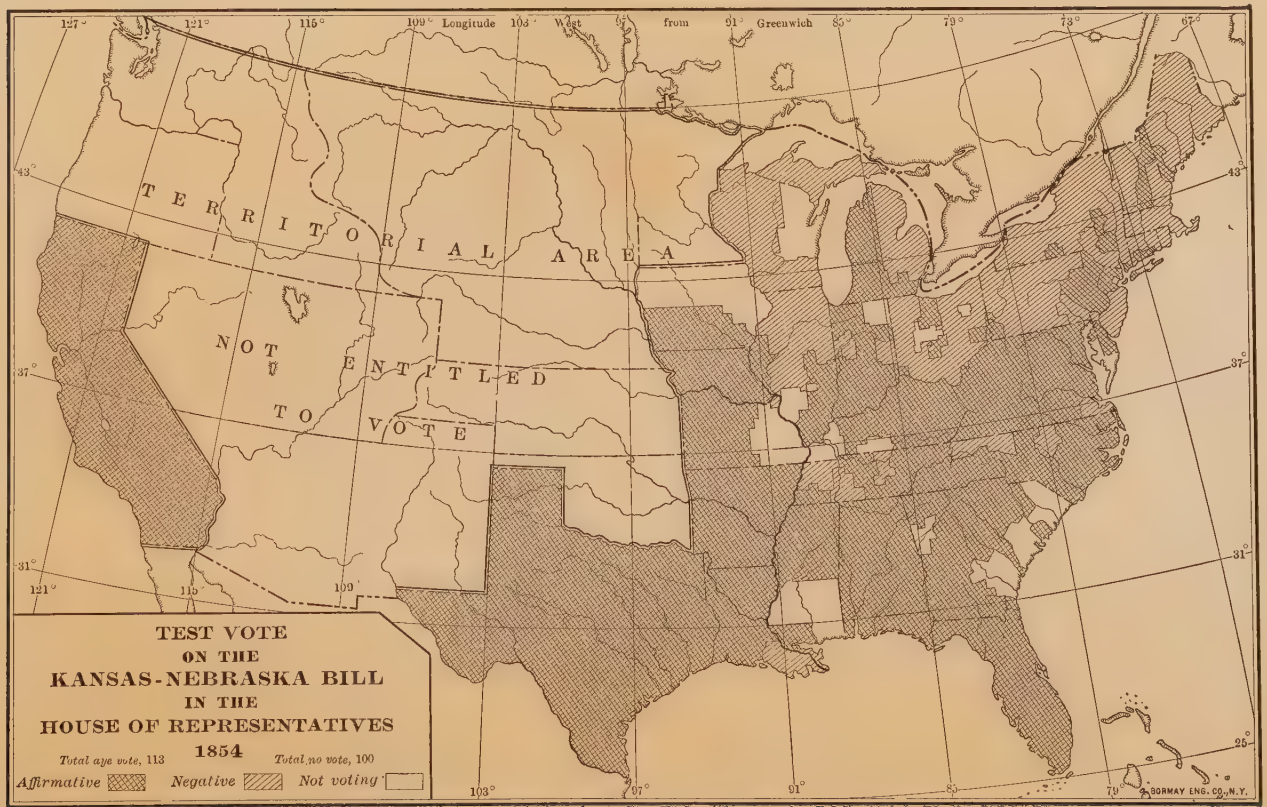
In the face of this storm the administration showed a fighting spirit. However much Pierce may have regretted the demon he had conjured up, Douglas and Davis were not the men to yield, and it soon appeared that every sort of official pressure was to be used to put the bill through the House. The cabinet, excepting Marcy and McClelland, who held aloof, worked heartily to whip waverers into line by the use of patronage; and the *Union*, the administration mouth-piece, let it be clearly understood that no Democrat who forsook his party at this crisis could hope for further favors.[1]

On May 8, accordingly, with a majority stiffened up by these means, Richardson, of Illinois, strongly aided by Stephens, of Georgia, forced the fighting.

[1] March 7, March 22, 1854.

The original Kansas-Nebraska bill was too deeply buried for resurrection, but by laying aside eighteen other bills in succession, another Nebraska bill, introduced into the House earlier in the session, was finally reached, and to this Richardson moved the Senate bill as a substitute. This manœuvre was successful by a vote of about 109 to 88, but the opposition, keyed up to unwonted obstinacy by the popular excitement, were not discouraged from a desperate resistance. On May 11 Richardson moved to close debate, whereat the minority, led by Campbell, of Ohio, Mace, of Indiana, and Washburne, of Illinois, began a contest of determined filibustering. For over two days, in continuous session, the minority consumed time by incessant roll-calls, motions to adjourn, requests to be excused from voting, and every other device within the rules of the House, while feeling ran continually higher, language grew harsher, and popular excitement grew more intense. The Senate was unable to keep a quorum, for its members were watching from the galleries while Douglas steered affairs on the floor of the House. Finally, late in the second night, when all were angry and many were inflamed with liquor, a personal altercation between Campbell and Stephens and Seward, of Georgia, nearly brought on a free fight.[1] Only the utmost exertions of the speaker, Boyd, of Kentucky, succeeded in securing an adjournment.

[1] *Cong. Globe*, 33 Cong., 1 Sess., 1183; Pike, *First Blows of the Civil War*, 224.


Longitude West from Greenwich
127°
121°
115°
109°
103°
97°
91°
85°
79°
73°
67°
43°
37°
31°
25°
TERRITORIAL AREA
NOT ENTITLED TO VOTE
TEST VOTE
ON THE
KANSAS-NEBRASKA BILL
IN THE
HOUSE OF REPRESENTATIVES
1854
Total aye vote, 113
Total no vote, 100
Affirmative
Negative
Not voting
BORMAY ENG. CO., N.Y.

Then followed more days of bitter altercation, but, on a second trial, Richardson obtained a vote to close debate on May 20. The opposition could not have had any real hope of defeating the bill by obstruction, for there was no fixed end to the session nor was there any sign of weakening among the majority; yet, led by the indefatigable Campbell, they still fought on with dilatory motions and amendments until, by a clever trick, Stephens managed to force a vote on the night of May 22. The bill passed, 113 to 100. The majority was composed of 101 Democrats, northern and southern, and 12 southern Whigs; the minority comprised no less than 42 northern Democrats and 2 southern ones who defied the administration, together with 45 northern and 7 southern Whigs and 4 Free Democrats. Since the bill as passed left out the provision restricting land-holding to citizens, it went back to the Senate, which concurred, after a brief debate, on May 25, by 35 to 12. May 30 Pierce signed it, and the Kansas-Nebraska bill became law.

No act more fateful in character ever passed the Congress of the United States, for it set in motion the train of political changes which led straight to the Civil War. It was the direct cause of a radical alteration of northern political feeling, of the total failure of the compromising or Union policy of 1850, and of the destruction of both the national parties. The suddenness of its introduction, the recklessness of its disturbance of the territorial situation, were

such as to make an instant powerful impression; and the members of Congress who passed it realized, when the session finally ended in August, that they had begun a political revolution whose end no man could foresee.

CHAPTER VIII

PARTY CHAOS IN THE NORTH
(1854)

UPON parties, the sudden anger which swept the north in 1854 produced revolutionary effects. At the opening of the year the Democratic party controlled the federal government and most of the state governments north and south, and was loyally supported in each section. The opposing Whig party, though discouraged by defeat and conscious of sharp differences between its southern and northern wings, was still formidable in numbers and not without hope of recovering, as the Democrats had recovered after 1840. That the Free Democratic party should ever supplant it as the rival of the Democrats was beyond the bounds of probability, for the third party was weakened by its radicalism and discredited by its habit of coalitions in nearly every state for the sake of gaining office.

All calculations based on previous experience were upset, however, by the craze of anger and excitement over the repeal of the Missouri Compromise. The Whig party, paralyzed by differences between its northern and southern wings, could reap no ad-

vantage from the blunder of the Pierce administration, for most of its northern members, turning in despair from the old organization as something stale and inadequate, welcomed the opportunity to unite with anti-slavery Democrats and Free-Soilers in order to administer a stunning rebuke to the party in power. The more radical anti-slavery men favored a sectional northern party formed to combat the south and the extension of slavery. Others desired not so much a new anti-southern as a new anti-Democratic organization. It was an opportunity where a great leader, a man of the Clay or Webster stamp, was needed to assume control; or in default of such a personality, a group of men able to direct public action. No such leaders appeared, however, and the new forces worked themselves out at random in the several states, with the result that the political tornado which now blew the Whig party to fragments left chaos in its place.

The radicals acted first: even before the passage of the bill an outcry went up for a new party; in April the first steps were taken, and by June the newspapers throughout the north were filled with appeals for a union of all honest men to rebuke the broken faith and violated pledges of the south. The members of Congress who had opposed the bill joined in issuing an address calling for united action in the next congressional election, and a number of them fell in heartily with the new party idea.[1] There was

[1] Wilson, *Slave Power*, II., 410.

nothing, however, resembling any central control, and the leaders in the state elections were left untrammelled and unaided.

The region where the desire for a new anti-slavery organization proved strongest was the "Old Northwest." There Whiggery was less popular, for the party had been in a minority for years and the name had little of the social prestige which attached to it in the east and south. Consequently the opponents of the Kansas-Nebraska bill were able in these states to form a coalition in the summer of 1854. In Michigan a state mass convention at Jackson nominated, on July 6, a mixed ticket of Whigs, Democrats, and Free-Soilers, and adopted a new name, that of Republicans. Their resolutions, the first Republican party platform, placed the new body squarely on anti-slavery grounds by declaring slavery a "moral, social and political evil," denouncing the repeal of the Missouri Compromise as "an open and undisguised breach of faith," demanding the repeal of the Kansas-Nebraska act and the fugitive-slave law, and pledging the party to act under the name Republican "against the schemes of an aristocracy the most revolting and the most repressive the earth has ever witnessed."[1] In Wisconsin, Ohio, and Indiana similar "people's" conventions met July 13, the anniversary of the Northwest Ordinance, brought about a union of anti-slavery elements, and organized for the fall campaign. Their enthusiasm, the vigor of their

[1] Curtis, *Republican Party*, I., 188–190.

resolutions, and the promptness with which the Whig and Free Soil parties vanished in these states revealed the deep feeling aroused by the repeal of the Missouri Compromise. In the two other western states the same result was attained by Whig and Free Soil fusion. In Iowa, the Free Democratic party withdrew its own ticket and indorsed Grimes, the Whig candidate for governor, who ran on an anti-Nebraska platform.[1] In Illinois, an attempt to form an anti-Nebraska party proved abortive, since the movement fell into the hands of radical Free-Soilers with whom Illinois Whigs had little in common, yet the elements of opposition finally managed to unite on a state ticket.[2]

In congressional nominations the same process was carried through; in nearly every district in the north the opponents of the administration uniting upon a distinctively anti-Nebraska candidate. In this way there appeared the beginnings of a purely sectional northern party, whose controlling sentiment was indignation towards the south and a determination to oppose the extension of slavery by restoring the Missouri Compromise, or by some new means of effectual restriction.

This movement, however, although the logical outcome of the crisis, failed in the eastern states owing to two obstacles, one foreseen and one utterly unex-

[1] Salter, *Grimes*, 33.

[2] Smith, *Liberty and Free Soil Parties*, 295; Harris, *Negro Servitude in Illinois*, 189.

pected. As was apprehended from the start, the conservative elements of the Whig party in the states east of Ohio refused to abandon their ranks. The Whig state convention of Massachusetts, while declaring itself "unalterably opposed to the extension of slavery over one foot of territory now free," resolved "that the Whig party of Massachusetts, ever true to liberty, the Constitution, and the Union, needs not to abandon its organization or change its principles." [1] With many anti-slavery Whigs the position of Senator Seward was decisive. He was without doubt the leader of anti-slavery sentiment in the party in the greatest state in the Union, and his political weight was such that, had he chosen, he could have decided the immediate formation of a strong northern organization. But Seward and Weed, his mentor, were thorough-going, practical politicians, and hesitated to leave the safe shelter of the regular Whig organization for the doubtful advantages of a tumultuous popular movement. In the Nebraska debate, Seward had been careful to speak always as the Whig, and now he concerned himself mainly with securing his re-election as senator.[2] In two eastern states, New York and Vermont, the anti-Nebraska men adopted the Whig ticket; elsewhere they let it alone. The only eastern state where the Republican party as such was successfully

[1] *Boston Advertiser*, August 17, 1854.

[2] Bancroft, *Seward*, I., 367; Scisco, *Political Nativism*, 114 et seq.

formed was Maine, where a coalition of Free-Soilers and Temperance Democrats adopted the name.[1] In Massachusetts a convention was called to form the party but it proved almost a fiasco.

These hesitating movements of undecided Whigs were rendered unimportant by a totally unexpected political phenomenon which suddenly burst upon the scene. In the spring of 1854 it began to be rumored that a new secret political society was spreading everywhere, and by summer it was evident that this body, whose members affected ignorance of its name, principles, or officers, was going to play a strong part in the coming elections.[2] The "Order of the Star-Spangled Banner" had been in existence since 1850 as one of several societies opposed to the influence of foreigners and Catholics in politics. The presence of immigrants of alien speech and clannish habits, visibly controlled by their priests, was resented by American-born working-men as early as 1843, when Native American parties were formed in municipal elections in some of the large cities. This movement died down, but after 1850 the rapid influx of Irish and Germans, who stayed in the cities, and seemed to be debasing local politics besides competing with native working-men, led to a revival of alarm.[3]

At the same time a number of incidents in the

[1] Willey, *Anti-Slavery Cause*, 436–449.
[2] Scisco, *Political Nativism*, chap. ii.
[3] Haynes, "Causes of Know-Nothing Success," in *Am. Hist. Rev.*, III., 67.

United States, joined to the known reactionary policy of Pope Pius IX., rendered the Roman church offensive to radicals. Archbishop Hughes, an aggressive prelate, attacked the New York public school system, objecting especially to the use of the Bible. Then, in 1853, when Bedini, a papal nuncio, came to America to settle a question of the ownership of church property at issue between the bishop of Buffalo and the trustees of the church, his decision in favor of the bishop was regarded as unfriendly and his mission was resented as an attempt at dictation.[1] In 1853 and 1854 agitators began to appear who denounced Jesuits, the pope, the Catholic clergy, and Catholicism as dangerous to the state. Prominent among these was Alessandro Gavazzi, an ex-priest who had been active in the revolution of 1848 and now made tours of England and the United States, stirring great public interest by his savage attacks upon the papacy and the Catholic church. Soon riots began between the Catholic Irish and the "Know-Nothings," as the members of the secret orders were commonly called, and the year 1854 was marked by tumults of alarming proportions in New York and other large cities, where an agitator styling himself "the angel Gabriel" followed in Gavazzi's track.[2]

Of course this movement had no connection with the Kansas-Nebraska excitement; yet it was un-

[1] Schmeckebier, *Know-Nothing Party in Maryland*, 46–60.
[2] Scisco, *Political Nativism*, 84–105.

deniably hostile to the party which contained within its ranks the Germans and Irish. Accordingly, when the wrath over the repeal of the Missouri Compromise spread like wildfire over the north, thousands of men who burned to rebuke the Pierce administration, but saw no hope in the conservative Whig organization, found this new, aggressively American order ready to receive them. Secrecy and the charm of novelty had for the moment a powerful effect; and the "Order of the Star-Spangled Banner" suddenly grew to double, triple, and finally a hundredfold. Other similar orders flourished, and by the end of the summer of 1854 the anti-Nebraska excitement was paralleled by a new and unexpected anti-foreign agitation.

The order was well suited for sudden expansion, for its guidance lay in the hands of a few men, the initiates of the highest of the three "degrees" conferred, who alone knew the order's name and were eligible for its dignities. The local councils were united by a grand council for each state, and, after 1854, by a national council, whose decisions were binding upon the whole body. Since the men who directed this new institution were, as a rule, little known in public life, the Whig and Democratic leaders were at first contemptuous and indifferent. Later, as the craze spread, the old-line politicians became alarmed but could exert no influence. Some, seeing a chance for personal advantage, joined the order, but more waited to see what the outcome would be.

One thing became steadily clearer, that thousands of anti-slavery men were rushing into this secret society as the best way to strike at the administration, regardless of the utter absence of relation between the anti-Catholic issue and the Kansas-Nebraska act. By the autumn, in spite of the profound mystery attached to the movements of the Know-Nothings, it was known that they had nominated tickets in Massachusetts, New York, and Pennsylvania, and all were curious to see how the experiment would turn out.

Against this storm of angry but confused attack, the Democratic party, too firmly committed to avoid the issue, made a sullen though stubborn fight. In the south neither the anti-Nebraska nor the "Know-Nothing" movements had any effect this year; but in the north the party found itself at a great disadvantage with no effective reply to its opponents. Few of the Democratic newspapers defended the Kansas-Nebraska act in more than a perfunctory way, yet the party stood unflinchingly by Douglas's "principle of non-intervention" with slavery in the territories, and raised the cry of intolerance against the new Native Americans. The campaign went on with great fury. Congressional and state candidates thundered on the stump against the administration, ringing the changes on the "Nebraska swindle," "perfidy," "enormity," and "outrage." Douglas was the target for unmeasured abuse, hailed as Benedict Arnold and Judas Iscariot, insulted in pub-

lic speeches and private letters, and burned in effigy from Maine to Illinois.[1] When he appeared before the people of Chicago to defend his work, he was howled down and threatened with stones and pistols until, having faced his opponents with unbending courage for hours, he yielded to his friends and abandoned the effort.[2] The north had known no such campaign since the days of "Tippecanoe and Tyler too."

When the elections came off, the results of the year of excitement became visible. In the northwest, where the opposition was united in an anti-Nebraska or Republican fusion, it carried every state except Illinois; but in the eastern states the confusion of parties almost defied description. Voters were confronted with three or even four tickets: Republican, anti-Nebraska, Peoples', Fusion, Know-Nothing, Free Soil, Whig, Democratic, "Hard" and "Soft" Democrat, anti-Maine Law or "Rum" Democrat, and Temperance candidates. The Republican or Whig-Free-Soil-Temperance fusion carried Maine, Vermont, and, by a narrow margin, New York; but these successes were cast into the shadow by the astoundingly sudden rise of the Know-Nothings. This hitherto unknown party, with no public campaign at all, cast over one-quarter of the total vote in New York, more than two-fifths in Pennsylvania, and nearly two-thirds in Massachusetts, electing

[1] Cutts, *Constitutional and Party Questions*, 96, 98–101.
[2] Sheahan, *Douglas*, 271.

every state officer and nearly every member of the legislature. In other states great numbers of the candidates elected as Republicans or anti-Nebraska men were also Know-Nothings, and the effect of the rebuke to the Pierce administration was almost lost sight of in the general amazement over the rise of the new order. Douglas did not hesitate to claim that the whole anti-Nebraska campaign had miscarried.[1]

There could be no doubt, however, that the Democrats suffered a severe defeat. Nine states had been taken from their control, and among the congressmen elected up to January, 1855, there was an actual loss to the administration of sixty-two seats. Moreover, the legislatures of a number of northern states chose senators in the winter of 1855, all of whom, whether Know-Nothing or not, were undoubtedly anti-slavery in principles. Prominent among those re-elected were Seward from New York and Hale from New Hampshire; among new senators, Collamer, a Seward Whig from Vermont, and Lyman Trumbull, an anti-slavery Democrat from Illinois. The verdict here was unmistakable

At the end of 1854 the future of politics seemed all guesswork, for the tempest over the repeal of the Missouri Compromise was dying down and the Know-Nothings occupied for the moment the place of chief public interest. The last session of the thirty-third Congress was tame and uninteresting, with some dis-

[1] *Congressional Globe*, 33 Cong., 2 Sess., App. 216.

cussion of the anti-foreign craze and slight reference to the slavery question. There seemed to be nothing pressing for an Anti-Nebraska party to do but to await the actual working of affairs in the territory; and, meanwhile, it looked as though the result of the whole episode was to be the creation of a national party on the anti-Catholic issue. Nothing in American political history is more remarkable than the way in which the voters of the northern states responded to the excitement of 1854. Except in the northwest, their action was so far from being what any one would have predicted that it seemed scarcely credible. The diversion of the fierce anti-southern anger of the eastern states into the construction of a party whose professed principles were absolutely unrelated to the measures which caused the upheaval seemed utterly inexplicable on rational grounds. The outcome remained to be seen.

CHAPTER IX

POPULAR SOVEREIGNTY IN KANSAS
(1854–1856)

THE immediate result of the Kansas-Nebraska act was to revolutionize parties in the north; but its ultimate outcome was to lead the country to the verge of civil war by creating an intense rivalry in the territory which it opened to settlement. When the bill passed, the general opinion was that while Nebraska would develop into a free community, Kansas was practically assured as a slave state; for its geographical position marked it out as the field for immigration from Missouri, the lower Mississippi Valley, and Kentucky and Tennessee, rather than from the states to the north of the Ohio River. Although the southern leaders did not initiate the repeal of the Missouri Compromise, they gladly welcomed the apparently undoubted opportunity to gain an additional slave state to counterbalance California in the Senate. The first settlers in Kansas came from western Missouri, and before the end of 1854 many of them took up claims along the Missouri and Kansas rivers, founding the little towns of Kickapoo, Leavenworth, and Atchison, and bringing

a few slaves with them. "Popular sovereignty," as established by Douglas, seemed to mean exactly what the southern leaders desired.

But the indignation among northern men over the opening of Kansas and Nebraska to slave-holders now led to an entirely unforeseen attempt to turn the principle of "popular sovereignty" against the south itself, by securing a majority of anti-slavery settlers in Kansas, the very region conceded to the slave-holders. Even before the passage of the bill, steps were taken which led to the formation of a New England Emigrant Aid Society, organized by Eli Thayer, of Worcester, and largely supported by Amos Lawrence and others of the wealthiest and most prominent men of Massachusetts.[1] The purpose of this corporation was to assist the emigration of genuine settlers—not necessarily abolitionists or even anti-Nebraska men—who were unwilling to see Kansas made into a slave state; the society did not enlist men as recruits, but was ready to assist applicants by loaning capital for mills and hotels and by furnishing supplies and transportation. In the summer of 1854 the first band of northern settlers reached Kansas, and others soon followed. With them, although not under the auspices of the society, came other immigrants from New York and the states of the "Old Northwest," looking for farms in the fertile valleys of the Kansas and its tributaries. Soon a new community, hold-

[1] Thayer, *Kansas Crusade*, chap. ii.

ing aloof from the Missourian settlements, was planted near the town of Lawrence, named in honor of the principal patron of the Emigrant Aid Society, and the country became aware that the settlement of the territory was taking on an unusual and ominous form.[1]

This "invasion" of Kansas by northern immigrants brought sharply to the front one of the many hazy points in Douglas's "popular sovereignty." When, under the law, was the decision to be made regarding the existence of slavery? Must it be postponed till a state constitution was framed, or could it be made at any earlier time? The full southern theory, announced by Calhoun as early as 1847, and held by most southerners in 1854, was that there could be no interference with slavery by either Congress or the territorial legislature, no community except a state being competent to make a decision. Douglas would not commit himself on this point, but a very general impression prevailed in the north that the principle of popular or "squatter sovereignty" would permit the inhabitants of a territory to decide the point for themselves as soon as they chose. All saw, northern and southern men alike, that in default of any positive protection of slavery by law, actual control of the territorial government by anti-slavery men would effectually prevent Kansas from ever becoming a slave state.

[1] Cf. contemporary accounts of the difficulties in Kansas, in Hart, *Am. Hist. told by Contemporaries*, IV., §§ 36–40.

This danger was perceived as soon as the organized eastern emigration began, and a thrill of indignation ran through Missouri and the entire south.[1] The actual purpose of the Emigrant Aid Society was wholly misunderstood, and the extent of its operations exaggerated beyond all measure. It was believed to be a corporation with unbounded resources, formed for the purpose of holding Kansas by force, sending out hordes of mercenaries, mostly abolitionists, enemies of God and man, provisioned, and armed to the teeth to seize Kansas from legitimate southern emigrants. They are "a band of Hessian mercenaries," said a committee of Missourians, in an address to the people of the United States. "To call these people emigrants is a sheer perversion of language. They were not sent to cultivate the soil. . . . They have none of the marks of the old pioneers. If not clothed and fed by the same power which has effected their transportation they would starve. They are hirelings—an army of hirelings. . . . They are military colonies of reckless and desperate fanatics." [2]

The sense of unfairness and unjust aggression which the operations of the Emigrant Aid Society, as seen through these distorted rumors, excited in the south, was as keen in its way as the northern indignation had been over the repeal of the slavery restriction. The Missourians and southerners in

[1] Carr, *Missouri*, 241–256.
[2] *Richmond Enquirer*, October 5, 1855.

general felt that the attempt to settle Kansas with northern emigrants was a direct effort to take from them what was rightfully theirs, and they were at once driven into a counter-effort to defeat this aggression by controlling the territorial government from the start in the interests of slavery.[1] The contest thus begun not only convulsed Kansas, but speedily shook the country from end to end.

The first open conflict between the opposing forces came in the autumn of 1854. The territorial governor, appointed by Pierce to carry the Kansas-Nebraska act into effect, was Andrew H. Reeder, a Pennsylvania Democrat, who announced his entire willingness to see Kansas become a slave state, a man of an excitable temperament, wholly unprepared and to a large degree unfitted for the task which he found thrust upon him. No sooner had he arrived and named November 29 for the election of a territorial delegate than the storm broke. On that day over sixteen hundred armed men from the western counties of Missouri, who had been organized in "Blue Lodges" for the purpose of making Kansas a slave state, marched into the territory under the leadership of United States Senator Atchison, and cast votes for Whitfield, a former Indian agent and a southerner, as territorial delegate. Owing possibly to the general confusion in the region, as well as to his desire to avoid trouble, Reeder raised no objection to this illegality; nor did the House hesitate

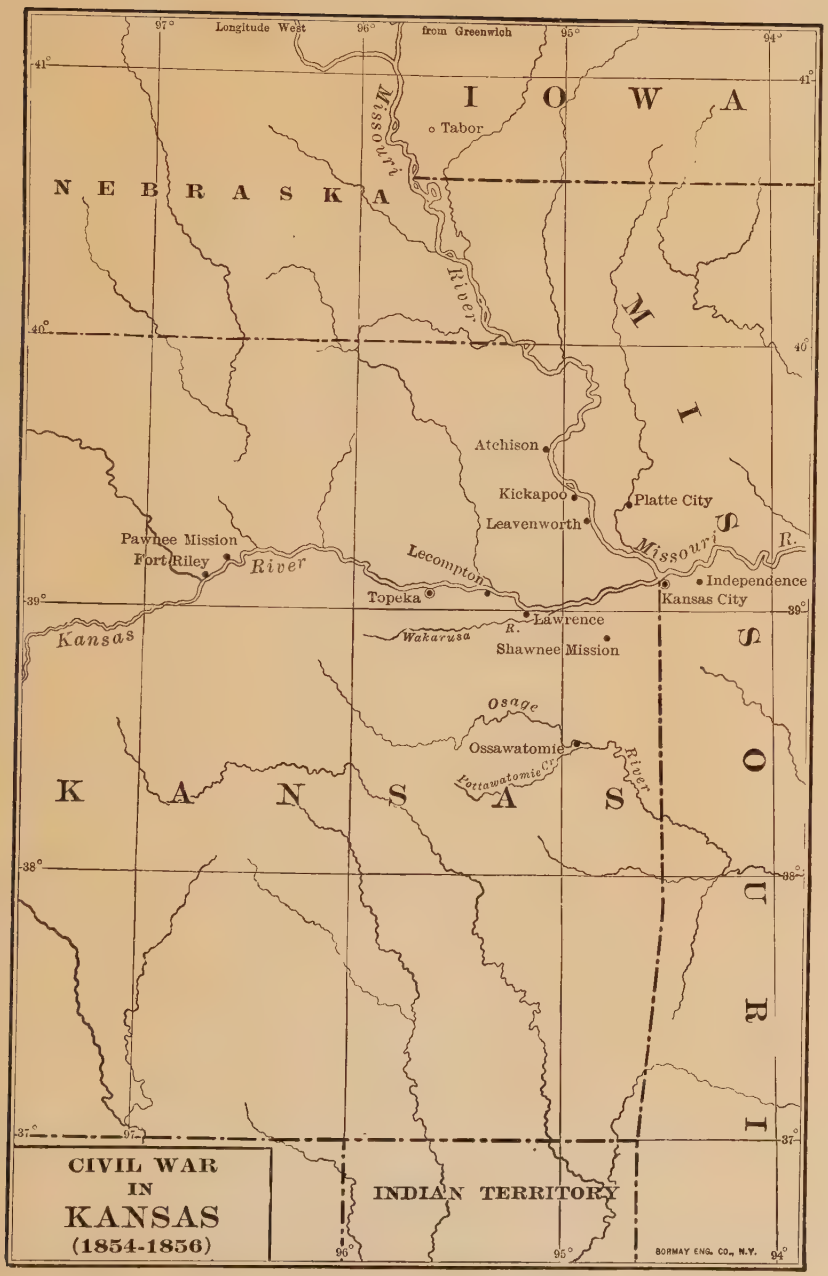
[1] Hodgson, *Cradle of the Confederacy*, 344.

to admit Whitfield to a seat in December, 1854, and the Missourian invasion, although known in the east, aroused little comment in the whirl of the Republican and Know-Nothing campaign.

During the winter of 1854–1855, the Missourians appealed to the south to prevent the swamping of the slave-holders in Kansas by a flood of New England abolitionists. More money, more settlers and arms must be supplied if Kansas was to be kept as a slave state. "Two thousand slaves actually in Kansas," urged B. F. Stringfellow, a Missouri leader, "will make a slave state out of it. Once fairly there nobody will disturb them."[1] By the spring of 1855 the excitement in Missouri had become intense, and when Reeder ordered the election of a territorial legislature for March 30, it was felt that the decisive moment was at hand. Although a census of the territory, taken in February, 1855, showed that out of a total of 8601 inhabitants more than half came from the south, and less than seven hundred came from New England, the Missourians felt it would not do to leave anything to chance. On the election day, at least five thousand armed and organized men, led by Atchison, Stringfellow, and others, invaded the territory, took possession of the polls in nearly every district, overawed or drove away the election judges, and cast 6307 ballots.[2] The northern immigrants,

[1] Spring, *Kansas*, 27.

[2] *House Reports*, 34 Cong., 1 Sess., No. 200, pp. 9–35; Robinson, *Kansas*, 27.


Longitude West
from Greenwich
97°
96°
95°
94°
41°
40°
39°
38°
37°
I O W A
N E B R A S K A
M I S S O U R I
K A N S A S
Missouri River
Tabor
Atchison
Kickapoo
Platte City
Leavenworth
Pawnee Mission
Fort Riley
River
Lecompton
Topeka
Missouri R.
Independence
Kansas City
Lawrence
Wakarusa R.
Shawnee Mission
Kansas
Osage
Ossawatomie
Pottawatomie Cr.
River
INDIAN TERRITORY
CIVIL WAR
IN
KANSAS
(1854-1856)
BORMAY ENG. CO., N.Y.

most of them utterly unused to violence, and all unprepared for such a performance, were too astounded and alarmed to make any effective protest; and when Reeder was called upon to declare the returns he found himself surrounded by Missourians, while he had scarcely any independent supporters.

Had Reeder possessed the courage to declare the entire election fraudulent, the history of the territory and of the country might have been different; but he did no more than to throw out returns from seven contested districts, and gave certificates of election to the remaining members, who, when they met as a legislature, promptly unseated the seven Free-Soilers. Kansas was thus organized with a legislature composed wholly of pro-slavery men, and the south scored the first success in the contest. The victory was won, however, by fraud and violence, and the whole theory of peaceful "popular sovereignty" vanished into thin air.

Very significant were the different ways in which the two sections regarded this election. Upon the people of the north it produced an impression of horror and disgust. "The impudence of this attempt," said Greeley, "is paralleled only by its atrocity. . . . If a man can be found in the Free State to counsel the surrender of Kansas to the Slave power, he is a coward and slave in soul." [1] In the south, on the contrary, it was universally regarded as an act of justifiable self-defence against the un-

[1] *N. Y. Tribune*, April 12, 1855.

fair encroachments of the north; one invasion had simply been answered by another one in behalf of the right. In no clearer way could the differing standards of the north and the south be contrasted.

To the unfortunate Reeder now fell the duty of co-operating as governor with the legislature chosen by the "Border Ruffians," as the Missourians began to be called. First he showed by his conduct what a revolution had been worked by his six months' experience in his views regarding slavery and slaveholders, for in returning to Washington to consult the president, he made a speech in Pennsylvania which told the story of the election in detail.[1] When he reached Washington he found himself the object of a growing southern dislike and suspicion. His failure to oppose the northern invaders, his refusal to co-operate with the Missourians, and still more his letters and speeches, earned him in southern eyes the epithets of "incompetent," "corrupt," "traitor," and "scoundrel."

Reeder found Pierce much disturbed by the growing excitement in the south over Kansas affairs, and unable or unwilling to give him any support. He showed so plainly that he would welcome Reeder's resignation that the governor offered to do so, provided Pierce would give him a written statement approving his conduct; but this Pierce dared not do.[2] After fruitless interviews, Reeder returned to

[1] *N. Y. Times*, May 1, 1855.
[2] *House Reports*, 34 Cong., 1 Sess., No. 200, p. 937.

Kansas, with the eyes of the whole country upon him, but sure that his official career was to be a short one. The territorial legislature met in July, at Pawnee, a town without inhabitants, according to contemporary accounts, where Reeder had taken up a quantity of land. The governor's message was conciliatory, but the legislature disregarded him utterly, and, in spite of his indignant protest, adjourned to another settlement, Shawnee Mission, on the Missouri border, where it proceeded to enact a set of laws which won immediate notoriety. Regardless of the Calhoun theory of the impotence of a mere territorial legislature over slavery, it passed statutes to establish and protect the institution in the territory, adopting for the purpose the text of the Missouri slave code.

The principal statute, entitled "An act to punish offences against slave property," inflicted the death penalty for inciting a slave insurrection; death or ten years at hard labor for aiding a slave to escape; and two years at hard labor for denying "by speaking or writing," or by printing or introducing any printed matter, "the right of persons to hold slaves in this territory." The last section also was noteworthy. "No person," it ran, "who is conscientiously opposed to holding slaves or who does not admit the right to hold slaves in this territory, shall sit as jurors on the trial of any prosecution for any violation of any of the sections of this act." [1] The

[1] *Tribune Almanac*, 1855, p. 13.

news of this legislation intensified the rising anger of the north. "This will suffice," said the *Tribune*, "if enforced, to hang nearly every anti-slavery man in the territory. . . . And upheld we presume it will be." [1] Reeder remained in office but a short time, being removed on August 15, nominally because of land speculation and "lack of sympathy with the people," but everybody knew that it was owing to his refusal to adapt himself to the pro-slavery Democrats.[2]

By this time the country was aware that a new and serious "Kansas question" was shaping itself. The anti-slavery indignation of the north, which had dwindled in the winter of 1855, now rapidly revived at what appeared the violent and ruthless determination on the part of the Missourians to make Kansas slave territory with or without law, justice, or a majority of voters. The south, equally aroused, was now thoroughly committed to the effort to defeat the lawless invasions of the northerners, and raised a universal voice of approval over the Missourian exploits. The Georgia Democratic convention of June 5, 1855, resolved, "That we sympathize with the friends of the slavery cause in Kansas in their manly efforts to maintain their rights and the interests of the southern people, and that we rejoice at their recent victories over the paid adventurers and Jesuitical horde of northern abolitionism

[1] *N. Y. Tribune*, August 16, 1855.
[2] *House Reports*, 34 Cong., 1 Sess., No. 200, p. 944.

. . . that the deep interest taken by the people of Missouri . . . is both natural and proper, and that it is their right and duty to extend to their southern brethren in the territory every legitimate and honorable sympathy and support." [1]

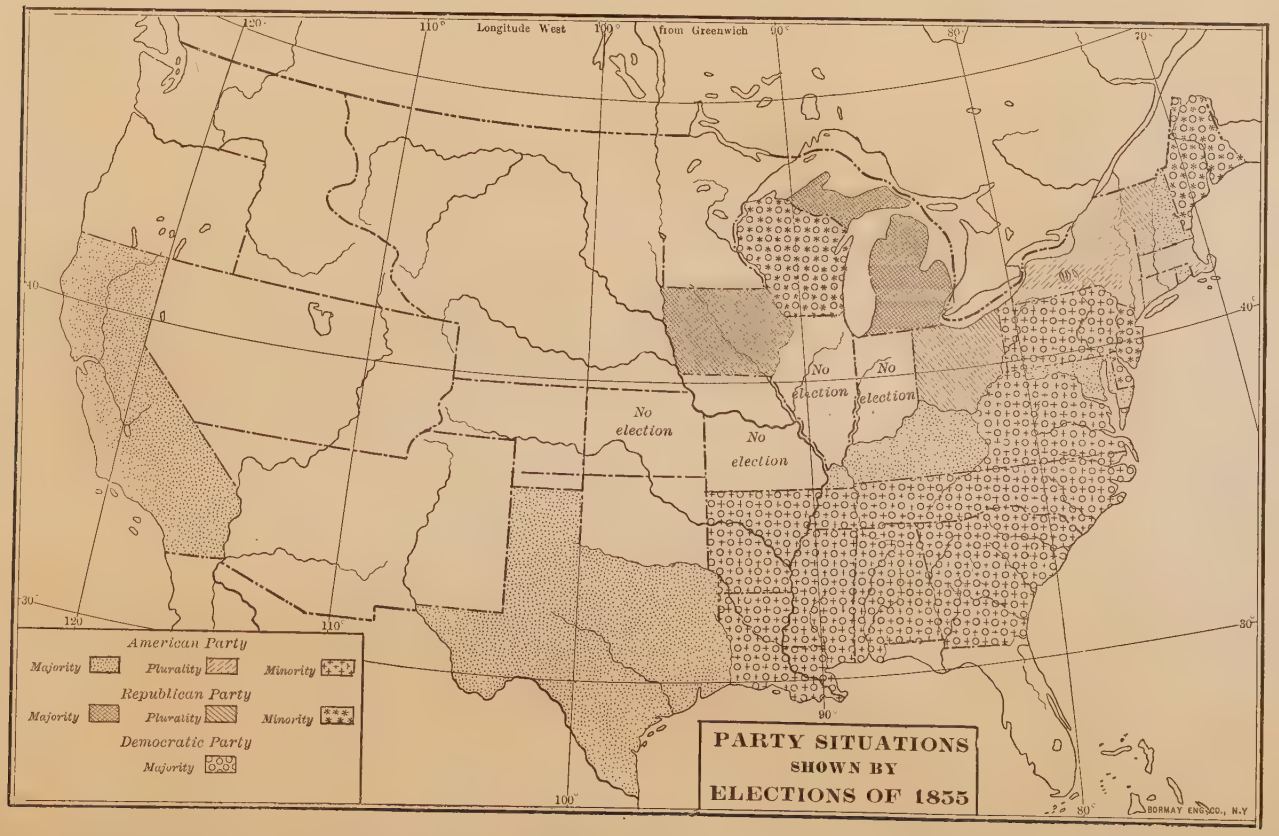
In the summer of 1855 the situation in Kansas was further complicated by the sudden action of the northern settlers, who had hitherto played a passive part. Led by Dr. Charles Robinson, an aggressive, cool-headed politician, an agent of the Emigrant Aid Society, who had been in California in 1849,[2] the northerners determined to give a new demonstration of "popular sovereignty" by repudiating the territorial legislature as illegal and seeking admission to the Union under a state constitution. At the same time they prepared to meet force with force in case the "Border Ruffians" again invaded the territory. Rifles and ammunition were sent for, men were drilled, and "Jim" Lane, a reckless, volatile man from Indiana, with little soundness of judgment but with great natural oratorical ability, became the military chief. During September and October several mass conventions organized a "Free State party" and provided for a constitutional convention, which met duly at Topeka, October 23, comprising only delegates elected by the Free State settlers, and drew up the "Topeka Constitution" prohibiting slavery. It is worthy of note that the convention

[1] *Richmond Enquirer*, June 11, 1855.
[2] Blackmar, *Robinson*, chaps. ii., iii.

also submitted to popular vote, simultaneously with the constitution, an ordinance prohibiting the entrance of negroes, free or slave, into the state, a fact indicating how far from abolitionist the northern settlers were.[1] During this time occurred the regular election of a territorial delegate; but the Free State men conducted a separate election of their own, and unanimously sent Reeder to contest the seat to which Whitfield had been re-elected by all the pro-slavery votes.

This policy of the northern settlers stirred the southern element to lively indignation and contempt. The whole south regarded the Free State movement as a trick by which the "abolitionists," defeated in the election of the territorial legislature, sought none the less to gain control of the region. Missourians began to utter threats of violence, and when Shannon of Ohio, the new governor, arrived on the scene, he found the situation growing daily more menacing. Shannon, a Douglas Democrat, favorably disposed to the southern claim for Kansas, easily accepted the pro-slavery view that the Topeka constitution was a revolutionary proceeding, and in his inaugural address clearly showed that he meant to oppose the northerners. He even presided at a meeting at Leavenworth where the pro-slavery sympathizers organized themselves into a "Law-and-Order party" to oppose the treasonable plans of the Free State people, and in a speech declared "The President is behind you!" [2]

[1] Holloway, *Kansas*, 196. [2] Spring, *Kansas*, 84.


Longitude West from Greenwich
120°
110°
100°
90°
80°
70°
40°
30°
No election
No election
No election
No election
American Party
Majority
Plurality
Minority
Republican Party
Majority
Plurality
Minority
Democratic Party
Majority
PARTY SITUATIONS
SHOWN BY
ELECTIONS OF 1855
BORMAY ENG. CO., N.Y.

By this time it was evident that "popular sovereignty" was producing serious consequences. There were two communities in the same territory, living in separate towns and governed by separate laws. The slightest event might cause a collision, for the Missourians were true frontiersmen, habituated to the ready use of knife or gun and only waiting for a pretext to "clean out the abolition crowd." Cases of brawls and shooting became frequent. Finally, in late November, just before the time set by the Free State men for a vote upon their constitution, an episode occurred which nearly brought on civil war. A Free State man who had been arrested by Sheriff Jones, a red-hot Missourian, for uttering threats against a pro-slavery murderer, was freed by a band of northerners and taken to Lawrence. Without further delay the infuriated sheriff sent word to Missouri, and later, as an after-thought, to Shannon; and at once about fifteen hundred excited "Border Ruffians" swarmed into the territory, to be joined by the pro-slavery, territorial, "Law-and-Order" militia. The town of Lawrence was found, however, to be surrounded by earthworks, behind which lay several hundred Free State men armed in part with the dreaded Sharps rifles, and the invading force hesitated to attack. This gave time for the cooler heads on each side to work for peace; and finally Shannon, upon visiting the scene, saw that the Free State town had done nothing in the eye of the law to call for any such attack, and drew up a

sort of treaty of peace. The Missourians withdrew in great disgust and freely announced that they were simply biding their time.[1]

After this bloodless affair, somewhat absurdly called the "Wakarusa War," the Free State party carried through the rest of its programme undisturbed, except by a few brawls and shooting affrays. The Topeka constitution was ratified on December 15, and the ordinance excluding negroes adopted, and on January 15, 1856, a governor and a legislature were elected. On March 4 the Topeka legislature met, and, following the cautious advice of Robinson, the governor, made no attempt for the moment to assume jurisdiction over the pro-slavery settlements, but adopted a memorial to Congress asking for admission to the Union, and adjourned until the summer to await events.

Such was the astounding result of a year and a half of "popular sovereignty" in Kansas. The organized immigration from New England; the Missourian retort of fraud and intimidation; the illegal voting, and the extreme pro-slavery action of the Shawnee Mission legislature were utterly beyond the imagination of the senators and representatives who passed the bill in 1854. On the other hand, the attempted imitation of California by the Free State men, involving a defiance of the territorial authorities and an ignoring of nearly one-half of the actual inhabitants of the territory, was a total surprise to

[1] Robinson, *Kansas*, 138; Holloway, *Kansas*, 249.

the eastern anti-Nebraska men. The settlers in Kansas, without direction from any quarter, took affairs into their own hands, and created a political situation as exciting as the original Kansas question, and far more ominous. The time had come when the federal government could not avoid taking a hand. The rival organizations, the contesting delegates, and the imminent danger of war between the factions forced Congress and the president to act. When the thirty-fourth Congress, chosen in the months of political upheaval, met in December, 1855, the attention of the whole country was focussed upon the struggle for control of the territory, and sectional passions were deeply involved.

CHAPTER X

THE FAILURE OF THE KNOW-NOTHING PARTY (1854–1856)

WHILE the course of events in Kansas was leading, through violence and illegality, to the verge of civil war, national political organization was also passing through a crisis. The question before the country after the election of 1854 was whether an anti-slavery party should win the support of northern voters, or whether the old Whig party, comprising southern as well as northern members, should be revived under some new form. As the sudden anger over the repeal of the Missouri Compromise died away, and the issue of the control of the territorial government did not for a year come before Congress, old political traditions tended to draw men into organizations which claimed to be national rather than sectional, and which avoided the old danger of arousing the south and endangering the stability of the Union.

These feelings worked strongly against the Republican party in the year 1855, and aided a vigorous effort, which now began, to create a successor to the old Whig party through the expansion of the Know-

Nothings into a national organization. The national council of November, 1854, adopted a new Union oath which placed the order on much the same basis as the "Union-saving" compromisers of 1850 and 1851. "You will discourage and denounce," it ran, "any attempt coming from any quarter . . . to destroy or subvert it or to weaken its bonds, . . . and you will use your influence to procure an amicable adjustment of all political discontents or differences which may threaten its injury or overthrow. You do further promise and swear that you will not vote for any one . . . whom you know or believe to be in favor of a dissolution of the Union . . . or who is endeavoring to produce that result." [1]

This action paved the way for others besides anti-slavery and anti-foreign enthusiasts to enter the organization; and in the winter and spring of 1855 councils were formed all over the United States, honey-combing the local Republican or anti-Nebraska coalitions of the west with a Know-Nothing oath-bound membership, and practically absorbing the entire southern Whig body.[2]

By the spring of 1855 the wildest claims were made for the order; it was said to have a sworn enrolment of over a million voters and to be able to control every city and nearly every state[3] in the Union.

[1] Scisco, *Political Nativism*, 137; Cluskey, *Political Text Book*, 66. [2] Hodgson, *Cradle of the Confederacy*, 354–357.
[3] Wilson, *Slave Power*, II., 422; Whitney, *Defence of Am. Policy*, 285.

The spring elections turned over Rhode Island, New Hampshire, and Connecticut into the hands of the Know-Nothings, and thus gave color to these assertions; but the Virginia campaign in May, 1855, showed that in the south the Know-Nothings were merely the Whigs under a new name. Henry A. Wise, the Democratic candidate for governor, made a powerful canvass of the state and was successful, after a savage contest, by ten thousand majority.[1] Thenceforward the extravagant claims for the Know-Nothings were discounted, but although it was seen that it could not revolutionize the south, its control of the north was not yet disproved.

By this time, however, two obstacles to the triumphant progress of the Know-Nothing party were becoming visible. In the first place, the attitude of its northern and southern members was fundamentally different on slavery matters. The New England Know-Nothings were anti-slavery men, who had joined the society in order to strike at the Pierce administration; and when they gained control of a state they enacted laws to obstruct the return of fugitive slaves, passed resolutions denouncing the repeal of the Missouri Compromise, and elected anti-slavery men to the United States Senate.[2] But the southern Know-Nothings, although old Whigs, and strongly Unionist, were equally pro-slavery, and the

[1] Hambleton, *Political Campaign in Virginia*, 233.

[2] Wilson, *Slave Power*, II., 424; Haynes, *A Know-Nothing Legislature* (Am. Hist. Assoc., *Report*, 1896), p. 77.

chief ground of attack against them by the southern Democrats was not so much their secret and proscriptive platform as the fact of their being in the same order with the New England Americans. "Know-Nothingism," said a Virginia Democratic address, "has its origin and growth in those quarters of the Union where Abolitionism is most powerful. . . . Every election in which Northern Know-Nothingism has triumphed has inured to the benefit of Abolitionism. . . . We appeal to Southern men, without distinction of party, to ponder the consequences before they cooperate with this organization."[1] The danger of sectional difficulty in the new Union party was visible almost as soon as it was created.

The other weakness of the new party lay in the fact that it was almost without strong leaders. Except in the northernmost slave states, where such men as Clayton, of Delaware, and Bell, of Tennessee, gave it some support, the conservative Whigs who might have been in sympathy with its non-sectional and Unionist aspirations recoiled in disgust from its riotous and proscriptive character and its secret machinery. Such men as Winthrop and Choate, of Massachusetts, representing the Webster tradition, were entirely out of sympathy with it. In the south, such influential men as Stephens and Toombs, of Georgia, and Benjamin, of Louisiana, went squarely over to the Democratic party. "I know of but one

[1] Hambleton, *Political Campaign in Virginia*, 127; *Richmond Enquirer*, March 6, 1855.

class of people," said Stephens, "that I look upon as dangerous to the country. . . . This class of men at the North, of which the Massachusetts, New Hampshire and Connecticut legislatures are but samples, I consider as our worst enemies; and to put them down I will join as political allies, now and forever, all true patriots at the North and South, whether native or adopted. . . . Their very organization is not only anti-American, anti-Republican, but at war with the fundamental law of the Union and therefore revolutionary in its character." [1]

The abler anti-slavery leaders at the north in like manner held aloof from the movement. Seward, Chase, and Sumner refused to countenance the party, and Greeley, in the *Tribune*, openly scoffed at it, declaring, in a phrase which became permanently attached to it, that "it would seem as devoid of the elements of permanence as an anti-Cholera or anti-Potato-rot party would be." [2] Almost the only strong leader in the north was Wilson, of Massachusetts, a sincere anti-slavery man whose political career showed boldness, shrewdness, and a light regard of party ties. Using the Know-Nothing party simply as a means to secure the redemption of Massachusetts from the "Cotton Whigs," and bring about his own election to the Senate, he was entirely willing to destroy it in the interests of the anti-slavery cause.[3] Left, then, to the management of

[1] Cleveland, *Stephens*, 468, 480.
[2] *Tribune Almanac*, 1855, p. 23. [3] Wilson, *Slave Power*, II., 423.

men new to public life or drawn from the ranks of minor politicians, the party showed no efficient leadership.

When the national council of the order met, in June, 1855, at Philadelphia, the differences between northern and southern Know-Nothings led to a sharp contest over the attitude of the body upon slavery in the territories. Anti-Catholic and anti-foreign declarations were unanimously accepted; but it took days of hot debate before the council, by a vote of 80 to 59, could adopt the following resolution: "Pretermitting any opinion upon the power of Congress to establish or prohibit slavery in the territories, it is the sense of this National Council that Congress ought not to legislate on the subject of slavery within the territories of the United States, and that any interference by Congress with slavery as it exists in the District of Columbia would be . . . a breach of the National faith."[1] From this time on the order stood committed to the familiar policy of expressly conciliating the south.

By this time the practical identity of the Know-Nothing, or American party, as it now styled itself, with the Whigs was manifest in membership and character. A year of pretence at mystery had exhausted the efficacy of that device, and when the proceedings of the national council were reported, unchecked, to newspapers day by day, it was evident that the oaths, grips, passwords, and ritual had

[1] Wilson, *Slave Power*, II., 423–433.

ceased to serve their purpose.[1] From this time the state organizations ordinarily held open conventions and went before the voters as the "American party," although in popular language the name Know-Nothing lingered on. In the elections of 1855 the southern Know-Nothings carried Maryland, Kentucky, and Texas, and cast a respectable minority in other states; in the extreme west, also as a pro-slavery party, they carried California; but in the north, although they carried New York—where the irreconcilable "Hard" and "Soft" Democrats still ran separate tickets—their vote fell off badly in Massachusetts and Pennsylvania, for not even the repudiation of the troublesome twelfth section of the Philadelphia platform could hold anti-slavery members.[2]

The Republicans also lost ground, being unable to gain in the states where the Know-Nothings were strong. Their only victory was in Ohio, which elected Chase governor over both a Democratic competitor and a candidate supported by Whigs and Know-Nothings. At the expense of these two parties the Democrats profited, making a bold campaign in every state, denouncing the sectionalism of the Republicans and the proscriptive aims of the Americans. They carried five southern states, and regained Pennsylvania, Wisconsin, and Maine, the last through Whig assistance. On the whole, the year ended with the political future still doubtful. It looked very

[1] Merriam, *Bowles*, I., 138.
[2] Scisco, *Political Nativism*, 154–169.

much as if the old situation had returned, with the Know-Nothings occupying the place of the Whigs, the Republicans standing as an enlarged Free Soil party, and the Democrats likely to maintain themselves against a divided opposition.

But by this time the rising excitement over the situation in Kansas began to influence the situation. The enthusiasm of the people of the north for the Free State cause in Kansas resembled that of a country at the beginning of a war. Newspapers were crowded with inflammatory editorials, articles, and extracts from letters of northern emigrants describing acts of violence and cruelty.[1] Public meetings were held everywhere, in which speakers made urgent appeals for volunteers, subscriptions, and arms for Kansas. One such, at New Haven, Connecticut, attained national fame. After an address by Henry Ward Beecher, fifty rifles were subscribed for to fit out a party of emigrants sent under the auspices of the Congregationalist clergy and church-members of the city.[2] Beecher's advocacy of the use of Sharps rifles by the Kansas settlers led to their being termed "Beecher's Bibles" by friend and foe.

On the other side, the south was thrilled with anger and alarm. Atchison, of Missouri, made urgent appeal for southern aid, reiterating that the future of the institution of slavery was bound up in

[1] Thayer, *Kansas Crusade*, 164 et seq.
[2] *N. Y. Independent*, March 26, 1856.

the outcome of the contest for Kansas. "If Kansas is abolitionized," he wrote, "Missouri ceases to be a slave state, New Mexico becomes a free state, California remains a free state; but if we secure Kansas as a slave state, Missouri is secure, New Mexico and southern California, if not the whole of it, becomes a slave state; in a word, the prosperity or ruin of the whole south depends on the Kansas struggle." [1] In response to such appeals, an agitation for money and men spread over the south, with public meetings, fiery speeches, subscriptions, and the raising of companies of emigrants.[2] Attempts were even made in the Alabama and Georgia legislatures to pass acts offering state aid to Kansas emigrants.

Yet, although southern feeling was deeply stirred, the results of this agitation did not equal those of the simultaneous northern propaganda; and the only important reinforcement provided in the winter of 1856 was a company of less than three hundred men raised by Colonel Buford, of Alabama, largely at his own personal expense. This force, which went unarmed, in deference to a proclamation of President Pierce, set forth from Montgomery with gifts of Bibles, amid prayers and enthusiastic popular sympathy; but upon its arrival in the territory it was immediately armed as part of the territorial militia. By the end of February it was clear that the coming

[1] *N. Y. Tribune*, November 7, 1855.
[2] *De Bow's Review*, June, 1856, p. 741.

spring would find men swarming into Kansas, with what results no one could foresee.[1]

In the midst of this increasing excitement, the ill-fated American party tore itself to pieces upon the unavoidable issue. The first proof of its fatal weakness appeared in a contest for the speakership of the House of Representatives, which delayed the conduct of all public business from the meeting of Congress in December, 1855, until the end of February, 1856. The regular administration Democrats numbered only seventy-five in place of the one hundred and fifty-nine who controlled the previous Congress, and their candidate was Richardson. The opposition, elected in the political whirlwind of 1854, was too heterogeneous to combine. The largest single group comprised about one hundred and seventeen Americans, leaving about forty "straight" Republicans and a number of independents. But of the Know-Nothing plurality, only about forty could be held together in support of Fuller, of Pennsylvania, the avowedly American candidate. Nearly all the rest joined the Republicans in voting for Banks, of Massachusetts, who had just abandoned the Know-Nothing party for the Republican. For weeks, running into months, the tripartite struggle went on, in an irregular running debate, mainly on the Kansas issue, interrupted with ballotings for speaker.

[1] Fleming, "Buford's Expedition to Kansas," in *Am. Hist. Rev.*, VI., 38; Hodgson, *Cradle of the Confederacy*, 347–353.

January 12, 1856, the three candidates explained their views. Banks insisted that Congress had both the power and the duty to prohibit slavery in the territories; Fuller denied that either Congress or the territorial legislature had any power except to protect slavery; while Richardson stood on Douglas's ground that, whether Congress had the right to prohibit slavery or not, it rested with the territorial government to afford protection.[1] Incessant attempts at coalition between Democrats and southern Know-Nothings, and between Republicans and all other anti-Nebraska men, were fruitless. The House in exhaustion voted to elect by a plurality, and Banks was chosen, February 2, by 103 votes to 100 for Aiken, of South Carolina.[2] This victory ended a long period of suspense; the defeated southerners acquiesced in the result, and the House was finally ready for business.

A few days later the Know-Nothing party, shattered as a congressional group, also broke into pieces as a political organization. February 18 a national council of the order met at Philadelphia, modified the party platform by striking out the objectionable twelfth section, and inserting a clause which demanded congressional non-interference with "domestic and social affairs" in a territory, and condemned the Pierce administration for reopening sectional agita-

[1] *Cong. Globe*, 34 Cong., 1 Sess., 11 et seq.

[2] Rhodes, *United States*, II., 112–116; Von Holst, *United States*, V., 220–223; Follett, *Speaker of the House*, 56–60.

tion by the repeal of the Missouri Compromise.[1] No such attempt to befog the issue could prevent a crisis when the nominating convention of the American party assembled four days later in the same place. The anti-slavery northern members refused to be bound by the platform just adopted by the order, and demanded that no candidates be nominated who were not in favor of interdicting slavery north of 36° 30′ by congressional action. When this proviso was laid on the table, at once a score of members withdrew. The next day the convention nominated ex-President Fillmore, the man who had signed the fugitive-slave law, with Donelson, of Tennessee, for vice-president. Thereupon more members seceded and joined the earlier bolters in a call for a national convention of all "Americans opposed to the establishment of slavery in any of the territory which was covered by the Missouri Compromise," at New York in June.[2] Plainly the American party as a national organization was bankrupt. Sectional passions were too strong to enable men from north and south to stand on a common platform ignoring slavery, and the party was moribund before it was two years old.

On the same day with the American convention, the first Republican national convention met at Pittsburg, under a call from the state committees of nine states, but with delegates present from twenty-

[1] Scisco, *Political Nativism*, 173 et seq.; Wilson, *Slave Power*, II., 508.

[2] *N. Y. Times*, June 13, 1856.

three. The proceedings were full of enthusiasm, for the leaders felt that with ordinary prudence and adequate organization their party might absorb all the dissatisfied Know-Nothings and follow up its victory in the speakership contest with one in the coming presidential election. Resolutions were adopted looking to a thorough political organization; a national committee was appointed, one of whose members was Governor Robinson, of Kansas; and a national nominating convention was called for June 17. On the Kansas question, the party took the full Free State position by demanding the admission of the territory as a state under the Topeka constitution.[1]

By the end of February, 1856, the results of the Kansas excitement were visible in the definite failure of the American party and the practical certainty that the Republican party would take its place in the north. The presidential election was to be contested by a northern sectional party, long dreaded by all conservatives; and the outcome must depend largely on the course of events in Kansas and the way in which Congress and the administration dealt with them. The situation was highly critical, increasing in tension with every week.

[1] Errett, "Formation of the Rep. Party," in *Mag. West. Hist.*, X., 180; Julian, "First Rep. Nat. Conv.," in *Am. Hist. Rev.*, IV., 313.

CHAPTER XI

THE KANSAS QUESTION BEFORE CONGRESS (1856)

WHEN Congress was ready for action, the Kansas situation presented a threefold problem: the policy of the federal government towards the territory; the attitude which parties should take on the pressing question; and the effect of the controversy on the election of a president, vice-president, and congressmen. By this time Pierce had definitely committed himself. During the early stages of the Kansas difficulties the administration had not intervened directly except to remove Reeder; while nothing was done against the fraudulent territorial legislature, no impediment was placed in the way of the Free State party movements; and Shannon, in the "Wakarusa War," tried in vain to get the use of federal troops against Lawrence. Every instinct of caution urged Pierce to avoid a decisive stand which would furnish an opportunity for further party attacks. But to expect Pierce to separate himself from his party leaders, or even to restrain them, was out of the question. With his cabinet and Douglas, as well as the southern spokesmen, united in disap-

proving the Free State programme, it was inevitable that he should adopt their attitude.

On January 24, 1856, he sent a special message on Kansas, which totally condemned the Topeka movement in precisely the terms employed by the leading southern newspapers and speakers. The whole trouble, he said, arose from the Emigrant Aid Society. "that extraordinary measure of propagandist colonization of the Territory of Kansas to prevent the free and natural action of its inhabitants in its internal organization." After criticising Reeder's career with severity, he declared the Topeka organization to be "revolutionary." "It will become treasonable insurrection," he said, "if it reaches the length of organized resistance to the fundamental or to any other federal law and to the authority of the general government." In phraseology which to Republicans seemed intended as a direct offer of aid to the "Border Ruffians," he intimated his purpose to use force to suppress insurrection, and, if summoned by territorial authority, to prevent invasions of citizens of other states. "But," he added, "it is not the duty of the president of the United States to volunteer interposition by force to preserve the purity of elections." His sole recommendation to Congress was the passage of an enabling act for the formation of a state constitution.[1]

On February 11 he issued a proclamation directed against both "Border Ruffians" and Free State men,

[1] Richardson, *Messages and Papers*, V., 350.

warning persons planning insurrection or invasion to disperse, announcing his purpose to use federal troops to maintain order, and calling upon citizens of other states "to abstain from unauthorized intermeddling in the local affairs of the territory." [1] Regarded as a tactical move, Pierce's action was needless unless the immediate necessity of satisfying his southern constituents overbore all other considerations. The administration needed to avoid every appearance of partiality, and in this Pierce was wholly unsuccessful. His attitude rendered any action by Congress impossible unless the anti-slavery majority in the House chose to accept his ground; and it furnished at the same time a vulnerable point for attacks from an excited and hostile north. The upshot was the total failure of action by Congress and a steady increase in popular agitation, while in Kansas the situation went from bad to worse.

The congressional contest was opened by a report from the committee on territories, by Douglas, who demonstrated to his own satisfaction the entire legality of the territorial legislature and the illegality of the Topeka organization, laying the blame for everything upon the Emigrant Aid Societies, which he called "combinations to stimulate an unnatural and false system of emigration with a view to controlling elections." Collamer, of Vermont, in a minority report, laid emphasis upon the Missourian invasions, which Douglas contemptuously minimized, and de-

[1] Richardson, *Messages and Papers*, V., 390.

fended the character of the Free State leaders.[1] A few days later, March 17, Douglas introduced a bill for the settlement of Kansas affairs in the form of an enabling act for the election of a constitutional convention, and advocated it in a powerful speech. As usual he took the offensive from the start, mercilessly attacking Reeder's record, and pointing out that before the Free State men determined to repudiate the territorial legislature as illegal they had repeatedly recognized it. He proved, by quotations from utterances of the more hot-blooded Topeka leaders, including a phrase of Reeder's about carrying the contest to "a bloody issue," that the Free State movement was "a case of open and undisguised rebellion." In conclusion he savagely denounced the operations of the Emigrant Aid Society. "The people of Missouri," he insisted, "never contemplated the invasion and conquest of the territory of Kansas; to whatever extent they had imitated the example of the New England Emigrant Aid Societies, it was done upon the principles of self-defence. . . . From these facts it is apparent that the whole responsibility for all the disturbances in Kansas rests upon the Massachusetts Emigrant Company and its affiliated Societies."[2] This bill and the speech, stripped of the abuse of the Emigrant Aid Society and the special pleading in behalf of the territorial government, meant that Douglas and

[1] *Senate Reports*, 34 Cong., 1 Sess., No. 34.
[2] *Cong. Globe*, 34 Cong., 1 Sess., App., 285.

Pierce and their associates recognized the difficulties of the existing situation to the extent of being willing to provide an opportunity for the people of the territory to vote on the slavery problem.

The anti-Nebraska opposition, however, was not ready to abandon the Kansas question to the Pierce administration, and met Douglas's plan by advocating the admission of Kansas under the Topeka constitution. When the application of the Topeka legislature was brought to Washington by Lane, the Free State leader, it was done in such a bungling manner as to enable the Democrats to handle the memorial without mercy;[1] but the efficiency of the Republicans in debate was such as to put the administration on the defensive. Hale, Sumner, Seward, and Wade were now joined by Trumbull, of Illinois, Harlan, of Iowa, and Wilson, of Massachusetts, and they made a series of severe attacks upon the pro-slavery party in Kansas. Wilson, always a bold speaker, filled parts of two days with a description of the Missourians' violence and the fraudulent voting, and a defence of the New England settlers. "Sir," he said, "the Emigrant Aid Society of New England has violated no law, human or divine. Standing here, sir, before the Senate and the Country, I challenge the Senator from Missouri or any other Senator, to furnish to the Senate one fact, one authenticated fact to show that the Emigrant Aid Society has performed any illegal act, any act incon-

[1] *Cong. Globe*, 34 Cong., 1 Sess., 226, 239.

sistent with the obligations of patriotism, morality or religion. . . . Those who charge the emigrants from the North with aggression upon the members of other sections of the country, utter that which has not the shadow of an element of truth in it and they know it or they are grossly ignorant of Kansas affairs."[1]

In the House the Kansas question took the form of a struggle for the seat of congressional delegate, which was contested by Whitfield and Reeder; and after a month of heated discussion the matter was shelved for a time by the appointment of a special committee to visit Kansas and report on the conduct of elections in the territory. A practical result of the election of an anti-Nebraska speaker was the appointment by Banks of Sherman, of Ohio, and Howard, of Michigan, as the majority of the committee, with Oliver, of Missouri, as the only Democrat. For a time, after the departure of this committee, Kansas matters occupied a less prominent place.

While matters were thus in suspense in Congress, Pierce's message and proclamation led to grave events in Kansas. As soon as spring brought the opening of navigation on the Missouri River, northern and southern reinforcements began to enter the territory where, during the previous cold winter, there had been an entire cessation of hostilities. The time had now come, in the opinion of the pro-slavery

[1] *Cong. Globe*, 34 Cong., 1 Sess., 90, 95.

party, for a decisive stroke; and, relying on Pierce's utterances and the speeches of dozens of Democrats as promises of support in enforcing their authority, they decided to expunge the Free State party by legal process. A pretext came when Sheriff Jones, whose conduct in and about the town of Lawrence can only be interpreted as inspired by a desire to pick a quarrel, was shot in the back by a northern assassin. Although the Free State leaders made every effort to disavow the attempted murder, Judge Lecompte, of the territorial court, seizing upon this as evidence of the lawless character of the whole Free State party, charged a grand jury that all who resist the territorial laws "resist the power and authority of the United States and are therefore guilty of high treason. If you find that no resistance has been made, but that combinations have been formed for the purpose of resisting them, . . . then you must find bills for constructive treason." [1]

The jury, composed of pro-slavery men, promptly indicted Reeder, Robinson, Lane, and all the Free State leaders for treason, and presented the Free State Hotel and the Free State newspaper in Lawrence as nuisances. The blow was well aimed. Reeder fled from the territory in disguise, and Robinson was caught in Missouri, brought back to Kansas and kept a prisoner, in danger of his life from a pro-slavery mob. Then, on May 11, the United States marshal summoned a posse to abate the

[1] Phillips, *Conquest of Kansas*, 267.

nuisance of the Free State Hotel, and at once the Border Ruffians came over the river and were joined by the Kansas territorial — that is, pro-slavery — militia, including Buford's band. The Free State people, hesitating to oppose a federal officer, tried to placate their enemies by public meetings and promises, but Jones, Stringfellow, Atchison, and the rest were not to be balked a second time. Lawrence was entered on May 21, the hotel burned, the press destroyed, some leaders arrested, and many houses pillaged. Though only two lives were lost in this affair, the intensely partisan action of Lecompte and the grand jury, and the reckless destruction of property by the so-called posse, made a profound impression at the east.[1]

Almost simultaneously with this action in Kansas, an episode in Congress stirred popular feeling to the depths. May 19, Sumner delivered a speech in the Senate which, in the tension of the time, fairly drove southern members to fury. It was entitled "The Crime against Kansas," and very nearly merited the name he attached to it—"the most thorough philippic ever uttered in a legislative body." Sumner was a high-minded philanthropist, utterly incapable of understanding an opponent, and to him the attempt to make Kansas a slave state was something inconceivably repulsive. On this occasion he freed his mind with almost hyperbolical language in a speech as offensive and insulting to the south as the

[1] Robinson, *Kansas*, 234–264.

fertile imagination of the author could possibly make it. Mixed in were personalities as contemptuous and sneering as could be uttered in the Senate, aimed at Douglas and especially at Butler, of South Carolina, who had made a savage attack on Sumner two years before, which had not been forgotten.[1]

Douglas rose on the spot and repaid Sumner's attack with vituperation of equal bitterness and scorn; but southern leaders, when insulted, felt that they needed a different sort of satisfaction, for in their eye Sumner had put himself so far below the plane of decency as to be worthy only of such chastisement as one would give to a dog or an impudent slave. Two days after the conclusion of Sumner's speech, a relative of Senator Butler's, a member of the House from South Carolina named Preston S. Brooks, who was personally unknown to Sumner, entered the Senate chamber at the close of the session, stood by Sumner's desk, and, after stating who he was, struck him, without further warning, a heavy blow on the head. Stunned and blinded, Sumner was unable to make any resistance, and was quickly beaten into insensibility, while Keitt, of South Carolina, and Edmundson, of Virginia, stood by to prevent interference, and Toombs, Douglas, and a number of other Democrats remained quietly in the vicinity.[2]

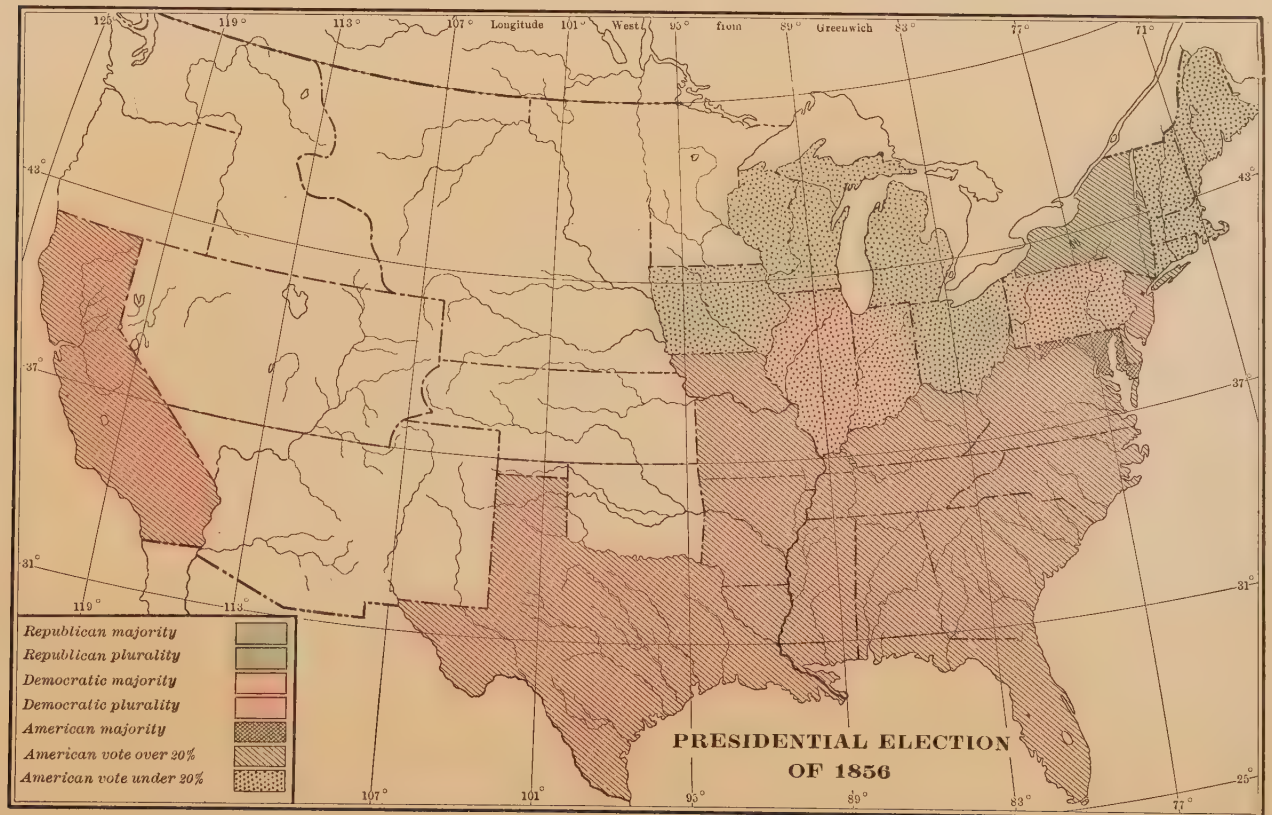
[1] *Cong. Globe*, 34 Cong., 1 Sess., App., 329–347; Pierce, *Sumner*, III., 441–460.

[2] *House Reports*, 34 Cong., 1 Sess., No. 182, p. 3; Pierce, *Sumner*, III., 462–477.

This affair produced a tremendous sensation. The Senate could take no action, since Brooks was a member of the other branch of Congress, but the House appointed an investigating committee, which took evidence and reported on June 2. An attempt to expel Brooks and Keitt failed to receive a two-thirds vote, but each resigned, to be triumphantly returned by his admiring constituents. Although Sumner barely escaped with his life and was practically unable to occupy his seat in the Senate for three years, he was commonly sneered at in the south for simulating illness in order to win sympathy. "Sumner and his friends," wrote hot-blooded Governor Wise, of Virginia, "lie like people with brains already soft. . . . Such skulking poltroonery would hurt a man anywhere that the institution of slavery exalts masters to a pride of genteel manhood. At first I regretted the caning, now I am glad of it." [1] Almost two years later, when Sumner had recovered sufficiently to vote in the Senate but not to speak, the correspondent of the *Charleston Mercury* described him as a "masterpiece of hypocrisy, cowardice and infamy," exciting the "ridicule and contempt of the spectators as they looked at his gross, beefy, carcass, which he would have his nigger-worshipping friends believe was still laboring under the affliction of great feebleness and debility." [2]

The differing points of view of north and south

[1] Unpublished letter, July 13, 1856.
[2] *Charleston Mercury*, March 26, 1858.



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were clearly brought out by this assault. In the north the provocation given by the coarse personalities of Sumner's speech was ignored, and the action of Brooks was regarded as typical of the slaveholder. The cowardice shown in attacking a man under such a disadvantage was the chief feature which impressed the north. "I denounce it," cried Burlingame, of Massachusetts, in the House, "in the name of that fair play which bullies and prize-fighters respect. What! strike a man when he is pinioned —when he cannot respond to a blow! Call you that chivalry?"[1] On the other hand, Brooks was enthusiastically praised by southern congressmen, newspapers, and public meetings, was given canes by admiring young men, and eulogized as the personification of "gallantry." To them he had soundly thrashed an abolitionist, and the circumstances of the deserved punishment did not matter.[2] The violence which shocked northern men struck the southerners as normal. A writer in the *Southern Literary Messenger* summed up the affair by saying that a "foul-mouthed blackguard, presuming upon his senatorial prerogative for immunity from castigation, thought fit to malign an old gentleman and received a severe caning at the hands of a kinsman," and expressed surprise at so much stir over "the ordinary occurrence of one man's chastising an-

[1] *Cong. Globe*, 34 Cong., 1 Sess., App., 655.

[2] Pierce, *Sumner*, III., 488; Von Holst, *United States*, V., 328.

other."[1] Brooks himself showed sufficient sensitiveness to the persistent accusation of cowardice to challenge Senator Wilson and Representative Burlingame, but although the latter accepted, the duel did not come off, owing to the well-justified hesitation of Brooks to risk crossing New York to reach the appointed fighting-ground at Niagara.

By June the situation in Kansas was growing more serious every day; the policy of the administration had not prevented matters from growing worse, and the debates in Congress served no purpose but to inflame sectional feeling. Congressmen now went armed and were prepared to meet violence with violence.[2] Under these conditions the various national nominating conventions met, and the presidential campaign opened.

[1] *Southern Literary Messenger*, XXIV., 29 (January, 1857).
[2] Riddle, *Wade*, 215; Pike, *First Blows of the Civil War*, 339.

CHAPTER XII

THE PRESIDENTIAL ELECTION (1856)

IN the campaign of 1856 it was seen that the new, long-dreaded sectional party, although confined to the free states, might still elect a president should it carry all of them. That could be done only by destroying the hold upon northern voters of both Know-Nothings and Democrats, and nothing was so likely to accomplish this result as the continuance of the sectional anger stirred up by the Kansas troubles. Hence, the Democrats and Know-Nothings were eager to settle the Kansas difficulty and remove this source of Republican votes; but the control by the Republicans of the House of Representatives and their insistence on the admission of Kansas under the Topeka constitution prevented any compromise. The new party would accept no settlement of Kansas except on its own terms, and did not intend in the mean time to destroy its chief political asset by concessions. Under such circumstances the question of party nominations and platforms became one of the utmost importance.

The Democrats led the way on June 2 at Cincin-

nati. Their problem, although requiring caution, was comparatively simple, for the elections of the preceding year had assured them that the American movement would not disturb the normal Democratic majorities at the south; and the party must simply nominate a candidate who would recall the wanderers in the north. Hence, the convention discarded both Pierce and Douglas, who were far too intimately connected with Kansas affairs, and chose Buchanan on the seventeenth ballot, with Breckinridge, of Kentucky, for vice-president. Buchanan was a conservative man, an original Jackson Democrat, a resident of the doubtful state of Pennsylvania, and had been minister to England during most of the Kansas controversy. The platform contained the substance of earlier ones and added a recognition of "the principles contained in the organic laws establishing the territories of Kansas and Nebraska as embodying the only sound and safe solution of the slavery question," asserting the right of the people of the territories, "acting through the legally and fairly expressed will of the majority of the actual residents and whenever the number of their inhabitants justifies to form a constitution, with or without slavery." [1]

On the same day, in New York, met the national convention called by the anti-slavery Know-Nothings. This body drew up a platform almost wholly Republican in character, demanding "Free territory and Free

[1] Stanwood, *Hist. of the Presidency*, 266–268.

Kansas," and after much debate and ten ballots nominated Banks, the speaker, for president, evidently hoping that the Republicans would ratify this choice.[1]

The Republican convention met a few days later, on June 17. For this new body, the problem was to find a candidate who should be sufficiently strong on the Kansas issue and who should not antagonize any of the elements of a new coalition. To the politicians who led the nascent party it was clear that none of the congressional leaders would do—Chase was obnoxious to Whigs, Wade and Seward to Democrats and Know-Nothings, and Banks had too recently been a Democrat. So, with a shrewdness born of long practical experience, a "boom" was worked up for John C. Frémont, a young man almost unknown in politics, with a reputation as an explorer in the far west, the son-in-law of Benton through a romantic marriage. He had been a Democrat, but was anti-slavery in sentiment, had no connection with the Know-Nothings, and was supposed to have a strong hold upon the German vote. The general feeling was well expressed by Mace, of Indiana, when he wrote to a friend: "It will never do to go into this contest and be called upon to defend the acts and speeches of old stagers. We must have a position that will enable us to be the charging party. Fremont is the man."[2] By April

[1] *N. Y. Times*, June 13–17, 1856.

[2] *N. Y. Evening Post*, April, 1856, quoted by Rhodes, *United States*, II., 178.

his candidacy was well under way; he had written a suitable letter on Kansas, and when the convention met he was easily nominated by 359 votes to 196 over old Judge McLean, the candidate of the Pennsylvania delegation and other conservatives. Neither Chase's nor Seward's name went before the convention. For vice-president, W. L. Dayton, of New Jersey, a former Whig, was nominated over Abraham Lincoln, of Illinois, the western candidate.

The platform made the Kansas issue the basis of the Republican party. It asserted that Congress had no right to establish slavery, but that it could and ought to abolish it in the territories, together with polygamy, "those twin relics of barbarism." It demanded the admission of Kansas under the Topeka constitution, denounced the Missourian invasions and the pro-slavery territorial government, and concluded, "For this high crime against the Constitution, the Union and humanity, we arraign the administration, the president, his advisers, agents, supporters, apologists, and accessories . . . before the country and the world." The new party in its first campaign took the field with a "dark horse" for a candidate, conscious that it must rely upon its principles rather than upon its leadership.[1]

By the time that the party nominees were fairly before the people, the long-dreaded civil war had

[1] Stanwood, *Hist. of the Presidency*, 271; Errett, "Nomimating Convention of 1856," in *Mag. West. Hist.*, X., 257.

broken out in Kansas in the form of guerilla fighting and reprisals. The later Free State settlers included many men who differed from the "Border Ruffians" only in their objects, and within a month from the time of the sack of Lawrence they had set the territory aflame with alarms and shooting affrays. At the start "Old John Brown," an anti-slavery fanatic, avenged the death of various Free State settlers by dragging five pro-slavery men at night from their cabins along Ossawatomie creek and butchering them in cold blood. He did this by the simple law of retaliation current among North American Indians, without any special animosity against those particular men, and seems to have felt that it was "God's work." [1] The other Free State men disavowed this brutal act, but the fighting went on. Shannon issued proclamations, and used Colonel Sumner, with federal troops, to turn back "Border Ruffians" and head off Free State bushwhackers, finally dispersing the Topeka legislature on July 2; but he was wholly unable to keep the peace. Bands of men from each side wandered over the territory, plundering and shooting; arson and assassination went on until "the smoke of burning buildings darkened the air," agriculture was neglected, two hundred lives were lost, and two million dollars' worth of property destroyed. Since the Free State party brought more capital with them, they suffered the most,

[1] *House Reports*, 34 Cong., 1 Sess., No. 200, pp. 104–109; Sanborn, *Brown*, 247; Connelly, *Brown*, 153.

and since they were less used to arms and fighting, their military operations were less successful.[1]

Not until Shannon was replaced by J. W. Geary, of Pennsylvania, a stronger man, was this reign of brutality and terror brought to a close. Geary's vigorous action managed to prevent an attack by twenty-five hundred Missourians with cannon upon Lawrence; and by November he had succeeded in inducing most of the armed bands to dissolve. While this was going on, the Missouri River had been closed to northern immigrants by Missourian pro-slavery sympathizers, who disarmed them and turned them back; but a new route was opened through Iowa and Nebraska, and so supplies kept coming in. Clearly, the superior resources of the north were bound to tell in the long run.

Meanwhile, the administration leaders made a last futile effort to deal with the situation, for they saw that every day of anarchy in Kansas raised new recruits for the Republicans. At the end of June, Douglas accepted a bill introduced by Toombs, as an amendment to his original Kansas enabling act, and in a hard-fought all-night session it was forced through the Senate on July 2 by a majority of 33 to 12. "When you say that we intend to make Kansas a slave state," said Toombs, "you say what every man of us has stated is not true. . . . We said we would leave the people free to act for themselves,

[1] Gihon, *Geary*, 293; Rhodes, *United States*, II., 216.

and if they made it a slave state I should demand its admission as such; and if they made it free I should stand by them. . . . We require, however, that there shall be a fair vote. . . . The Black Republicans have told us, time and again at this session, that a majority of the people of Kansas are in favor of a free state constitution. I propose a means of ascertaining it." [1]

The Toombs bill was extremely fair in its provisions for securing an authentic registration of voters and a free ballot upon the choice of a constitutional convention; but the Republicans, although invited to suggest such amendments as would render the bill acceptable, would not support it on any terms. "So far as the subject of slavery is concerned," said Seward, "the most that can be claimed for this bill is that it gives an equal chance to the people of Kansas to choose between freedom and slavery. . . . The standard of political justice which commends itself to me is a more rigid one. I recognize no equality in moral right or political expediency between slavery and freedom. I hold one to be decidedly good and the other to be positively bad. I do not think it wise, just or necessary to give to the people of a territory . . . the privilege of choosing slavery. . . . On this principle I have acted throughout in regard to Kansas. . . . On this principle, God give me grace, I shall act in regard to all the territories of the United States so long

[1] *Cong. Globe*, 34 Cong., 1 Sess., App., 871.

as I shall remain here—so long as I shall live." [1] When the bill came to the House it was not even considered. There can be little doubt that the Republican leaders were strengthened in their unwillingness to consent to any Kansas compromise by their clear comprehension of the importance to their party's campaign of the Kansas situation.

At this time the special committee of the House returned from Kansas and made a report upon the conduct of territorial elections, which proved a sensational campaign document for the Republicans. "Every election," it summed up, "has been controlled not by the actual settlers but by citizens of Missouri and . . . your committee have been unable to find that any political power whatever, however unimportant, has ever been exercised by the people of the territory." It held that neither Whitfield nor Reeder had any legal claim to the delegate's seat, and concluded that "in the present condition of the territory a fair election cannot be held without . . . the selection of impartial judges and the presence of United States troops at every place of election." Oliver's minority report gave the full history of the Ossawatomie massacre, but it made surprisingly little impression in the country; and few believed his assertion that there was "no evidence that any violence was resorted to or force employed by which men were prevented from voting at any single election precinct."

[1] *Cong. Globe*, 34 Cong., 1 Sess., App., 790, 792.
[2] *House Reports*, 34 Cong., 1 Sess., No. 200, pp. 2, 67, 75, 105.

On the same day the House, by a margin of two votes only, passed a bill to admit Kansas under the Topeka constitution, which was promptly killed in the Senate. Later, just before the end of the session, the House tried to force the hand of the president by attaching a "rider" to the army appropriation bill, prohibiting the use of federal troops to enforce the laws of the territorial legislature; but although this caused the failure of the bill in the regular session, enough votes shifted in a special session, which was immediately called, to give a majority of three for a bill without the proviso. Congress then adjourned, August 30, leaving Kansas still in anarchy, as the Republicans intended it should be.

The campaign was now in full blast, and the one issue, in the words of Republican stump orators, was "Bleeding Kansas." The question of native-Americanism vanished, and Fillmore's candidacy, although ratified by a Whig national convention in September, had nothing left for its support except traditional conservative sentiment. In every eastern state the Republican party, spurred on by the bloody news from Kansas, organized on the wreck of the American party through a series of bolts and secessions, and drew to itself the bulk of the former Know-Nothing vote.[1] The anti-slavery Americans, whose candidate, Banks, withdrew, ratified Frémont's nomination, and in every free state enthusi-

[1] Scisco, *Political Nativism*, 179–187.

astic stump-speakers denounced the administration and predicted a Republican sweep.

As the summer wore on and the Republican prospects grew ever brighter, a new and ominous movement began in the south, whose press and leaders now announced that in the event of a Republican success the only thing for the slave-holding states to do would be instantly to secede. In a few weeks this new spirit overran the south and interjected an altogether new note into the contest. It began to look as though not merely the future of Kansas but the integrity of the Union itself was at stake. "If Frémont is elected," wrote Governor Wise, of Virginia, "there will be a revolution. . . . We will not remain in confederacy with enemies." Wise meant no empty threats: he bestirred himself to get the Virginia militia in readiness for active service and summoned a conference of governors of the slave states to meet at Raleigh on October 13.[1] In support of his movement, Senator Mason, of Virginia, wrote to Davis, the secretary of war, asking that arms be supplied for the state troops, repeating that if Frémont were elected "the south should not pause but proceed at once to immediate, absolute and eternal separation."[2]

Under this sinister cloud the last part of the presidential campaign took a new form. Although most of the Republican leaders and newspapers

[1] Unpublished letter, September 16, 1856.
[2] Mason, *Life and Corresp. of J. M. Mason*, 117.

laughed at "the stale disunion threat," conservatives at the north were visibly affected; and the advocates for Buchanan and Fillmore concentrated their efforts against the Republicans as a sectional party whose success meant the end of the Union. The plea which had proved successful in 1850 became the chief ground upon which the two conservative parties appealed for votes. "We see a political party," said Fillmore, "presenting candidates from the Free States alone. . . . Can they have the madness or folly to believe that our Southern brethren would submit to be governed by such a chief magistrate? I tell you that we are treading on the brink of a volcano. . . . If it breaks asunder the bonds of our Union, and spreads anarchy and civil war through the land, what is it less than moral treason?"[1] Buchanan wrote in similar strain: "Should Frémont be elected, the outlawry pronounced by the Republican Convention at Philadelphia against fifteen Southern states will be ratified by the people of the North. The consequences will be immediate and inevitable."[2]

To conciliate northern sentiment on the Kansas question, Buchanan declared continually, and in unqualified terms, that if elected he would secure a fair and free vote in the territory. "There is not a county in Pennsylvania," said J. W. Forney, the campaign manager, "in which my letters may not

[1] *Cong. Globe*, 34 Cong., 1 Sess., App., 716.
[2] Curtis, *Buchanan*, II., 180.

be found, almost by the hundred, pledging Mr. Buchanan, in his name and by his authority, to the full, complete and practical recognition of the right of the people of Kansas to decide upon their own affairs." [1] Whatever might be the constitutional shortcomings of the non-intervention doctrine, and however much it fell short of anti-slavery principle, it had undeniable elements of popularity; besides the apparent merits of fairness and democracy, it appealed to the liking for local self-government which was ingrained in the north. In Pennsylvania, the critical state, this carried especial weight, for there anti-slavery sentiment was not strong; and when, in the state election in September, the Democratic candidate for canal commissioner was chosen over a combined Republican and Know-Nothing opposition, it was felt that the state was safe.

The campaign went on with undiminished vigor up to the end, but when the votes were counted in November it was found that conservatism had triumphed; Buchanan was elected by 174 electoral votes, carrying every slave state except Maryland, which fell to Fillmore, and securing not merely Pennsylvania, but four other northern states—New Jersey, Indiana, Illinois, and California. Frémont, whose personality added nothing to the strength of the Republican ticket, received 114 votes from the remaining northern states; while the Know-Nothing

[1] Pike, *First Blows of the Civil War*, 346; Rhodes, *United States*, II., 229.

party, which a year before claimed to hold the country in its grasp, shrank to small dimensions in the north and held only the old, immovable, and conservative Whig substratum in the south. The Kansas question had killed it. In the total popular vote, greatly increased since 1852, the Democrats led; but their total vote was about four hundred thousand behind the combined opposition.

After this election the country, exhausted by months of excitement, relapsed into quiet. Kansas, under Geary's rule, ceased to bleed, and all were willing to rest and wait for further developments. The Democrats, triumphant with president and each House of Congress, felt that if Kansas could only be promptly dealt with their party might enter on a new and long tenure of power. The Republicans, disappointed at their defeat but inclined to feel that their young party had made as good a showing as could be hoped for in its first election, were ready to wait and see how Buchanan carried out his pledges. The south slowly settling to a normal condition, gave over secession plans for the time, and the last session of the thirty-fourth Congress, whose members at first wrangled to the point of violence, devoted itself to business, scarcely pausing to consider Kansas affairs. Politics were on the ebb after the flood-tide of the summer, and Pierce's stormy term closed with all parties under a sort of armistice.

CHAPTER XIII

THE PANIC OF 1857
(1856–1858)

WHEN Buchanan assumed office the era of unrestrained commercial optimism, which had prevailed for a dozen years, began to show signs of coming to an end; and before the new president met his first Congress a financial storm broke out which did not completely clear away during his term. The expansion before 1857 was too great to last; the sense of the unbounded resources of the country and the unqualified rapidity with which they might be utilized had pushed the industrial and financial world into an excessive inflation of credit and a dangerous sinking of capital.[1] By 1857 the amount of indebtedness incurred by railways, manufacturers, and promoters of all kinds to the banks of the country and to each other stood beyond the point where it could be absorbed by the public. The railroad mania resulted in the hasty construction of hundreds of miles of track in the thinly

[1] Dunbar, *Economic Essays*, 269; cf. above, chap. v. For the panic of 1837, see Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xx.

settled west, whose earning power was found not to be such as to enable the corporations to meet the obligations incurred by the mortgage bonds so freely and recklessly sold. At the same time manufacturers incurred debt to extend their plants in anticipation of an ever-increasing internal trade, depending on the railroads; and banks all over the country were loaning freely to them on long terms.

The first signs of alarm appeared when the stock of the new railway systems began to decline in the winter of 1856–1857. In the summer, signs of danger thickened, and by August it was evident to nearly all financiers that, without any one assignable cause, the public mind was undergoing that indescribable change from optimism to distrust which is the real origin of a panic. Banks all over the country began to contract loans, a process which increased uneasiness; and, on August 24, the suspension of the Ohio Life Insurance and Trust Company, which did a large general banking business in the west and in New York, precipitated the crash. A sharp break in stocks took place, railroad securities dropping rapidly thirty or even fifty per cent. in a few weeks.[1] Then came failures on the stock-exchanges, followed by mercantile failures in September; and in October some of the leading railroads—the Erie, Reading, Illinois Central, and Michigan Central—went to the wall. The pressure upon the banks, struggling as they were to contract loans, became too severe to be

[1] *Bankers' Mag.*, XII., 335 (October, 1857).

endured, and on September 24 and 25 those of Philadelphia, Baltimore, and most of the western states suspended.

The New York banks held out a little longer, but their turn came in October, after notes of railroads began to go to protest; runs by depositors were soon started, weaker firms were unable to stand, and a general suspension was announced October 14. This action carried with it the suspension of specie payments in New England, and for a time the country was plunged into the abysses of "general bankruptcy." [1] Among the few banks which weathered the storm were the Chemical Bank of New York, the Indiana State Bank, the Kentucky banks, and four of the New Orleans banks, the results in the last cases being due to the careful legislation of these states in the years preceding the panic.[2]

The effect of the collapse of credit upon the industries of the country was sudden and severe. Prices dropped a fourth to a third "in all domestic fabrics, in meat, provisions and general merchandise," while "speculative real estate" declined one-half in value.[3] Factories closed, throwing tens of thousands out of work, and such industries as the New England shoe manufacture and the Pennsylvania iron-works remained idle for months at a time.

[1] *Hunt's Merchants' Mag.*, November, 1857, p. 582; *Bankers' Mag.*, November, 1857, p. 411.

[2] McCulloch, *Men and Events*, 120–139.

[3] *Hunt's Merchants' Mag.*, February, 1858, p. 195; Evans, *Crisis of 1857*, pp. 114–121.

In all, a total of six thousand firms failed, with liabilities estimated at about three hundred millions, with an eventual payment of probably a quarter to a half of the amount.[1] No less than fourteen railroads failed, and the volume of traffic upon all the lines in the north and west diminished sharply.

The farmer was equally depressed with the manufacturer and financier, since the reopening of the Russian grain trade after the cessation of the Crimean War added to the effects of the panic in causing a lessening demand for bread-stuffs. The crops were scarcely moved in some localities, and the exports of grain diminished by one-half. In the last months of the year general distrust and depression reigned, and the president, in his first message to Congress, December, 1857, summed up the situation by saying: "Our country, in its monetary interests, is at the present moment in a deplorable condition. In the midst of unsurpassed plenty, . . . in all the elements of national wealth, we find our manufactures suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want." [2]

The suspension of the banks did not last long, for by December, 1857, the New York and Boston banks felt able to resume specie payments, the Philadelphia

[1] *Hunt's Merchants' Mag.*, February, 1858, p. 195; Evans, *Crisis of 1857*, pp. 122–137.

[2] Richardson, *Messages and Papers*, V., 436.

and Baltimore banks followed in February, 1858, and by midsummer the period of prostration was at an end and the process of recovery started. During 1858 and 1859 "hard times" prevailed, marked by liquidation of all sorts and by an almost complete cessation in demand for speculative investments. Land purchases and mortgages declined seriously in value, factories were reluctant to start up, and prices in many commodities remained low. The writers of the day, such as Greeley, in the *New York Tribune*, represented that prices were "from 25 to 75 per cent. lower"; and in some localities, and especially in certain lines, such as land, this was true; but the effects of the panic were not in reality so severe as people thought. Tables of prices, made out from a study of market quotations, do show a decline in 1858 and 1859 in some important commodities, such as wheat and iron; but it should be noticed that even in these the prices remained above the range previous to 1856–1857; and in many other products, such as corn, hides, and wool, there was little effect after the months of suspension were over. The iron industry, undoubtedly, suffered severely; the production of pig-iron fell off one-fifth in 1858, and the state of Pennsylvania was considered "prostrate." [1]

While factories were idle and while, by an unfortunate coincidence, crops were poor in the west, there was bitter complaint of lack of employment in the cities, giving rise in New York to working-men's

[1] Swank, *Iron in All Ages*, 376.

demonstrations of a semi-revolutionary character, demanding work or bread. These did not, however, lead to any actual conflicts.[1] The pictures drawn by observers were full of the depression which replaced the extravagant enthusiasm of 1857. "The general movement of the country," said one, "is still toward liquidation and there has been therefore no general revival of trade. . . . How far the country can be relied upon for payment in full for past or present indebtedness is a question not easily solved. Those who thought themselves rich with wheat at $2 a bushel will find their assets miserably shrunken with wheat at 75 c. for the same measure." [2] The condition of the west was summed up by Greeley in dark colors. "Railroads partly constructed and there stopped for want of means; blocks of buildings ditto; counties and cities involved by the issue of railroad bonds and practically insolvent; individuals striving to stave off the satisfaction of debts, obligations, judgments, executions—such is the all but universal condition." [3]

To this gloomy picture in the northern and western states there stood forth a striking contrast in the continued prosperity of the "cotton states." Bank failures and suspensions occurred among them, it is true, since the connection of southern with northern

[1] Dunbar, *Economic Essays*, 290; Rhodes, *United States*, III., 49. [2] *Hunt's Merchants' Mag.*, January, 1858, p. 71.
[3] *N. Y. Tribune*, December 25, 1858, in Rhodes, *United States*, III., 55.

banking was too intimate to permit of escape; but the great staple industry of the south, the cotton production, upon which prosperity rested, was almost undisturbed by the panic.[1] The crops of 1856 and 1857 were large and that of 1858 was up to the average, the price of cotton held firm, exports increased, and while the whole north waited in sullen stagnation to recover courage, the southern planters felt a confidence in their present strength and future prosperity which passed all bounds.

"The wealth of the South," said *De Bow's Review*, "is permanent and real, that of the North fugitive and fictitious. Events now transpiring are exposing the fiction as humbug after humbug explodes."[2] The price of negroes, a good index of commercial confidence, as indicating a demand for capital, rose in these years to unheard-of figures, good field hands bringing in places from fifteen hundred to two thousand dollars. The contrast between the two sections confirmed the belief of southern leaders in the world supremacy of cotton. "Cotton is king," exulted Hammond, of South Carolina, in the Senate. "Who can doubt it, that has looked upon recent events? When the abuse of credit had annihilated confidence, . . . when you came to a deadlock and revolutions were threatened, what brought you up? Fortunately for you it was the commencement of the cotton season and we have poured in

[1] Hammond, *Cotton Industry*, I., App. i.
[2] *De Bow's Review*, XXIII., 592 (December, 1857).

upon you one million six hundred thousand bales of cotton just at the crisis to save you."[1] A still more exalted enthusiast called the cotton crop "The gravitating power that keeps the civilized world in its proper orbit as it whirls through the grand cycles of its existence."[2]

During this panic the financial situation of the federal government depended to a great extent upon the disturbances produced in foreign trade, since at that time about nine-tenths of the revenue was derived from the tariff.[3] As soon as the crash came, the demand for imports fell off sharply, and for the year 1858 they amounted to little more than two-thirds of what they had been in 1857. In 1859 they increased again, but still did not reach the figures of 1857. Although exports fell off, mainly in grain and tobacco, their decline was so much less than that of imports that in 1858, for the first time in years, there was an international balance in favor of the United States. In the next two years the flow of imports once more exceeded exports, and the normal relation of the United States to the outside world as a gold-producing nation was established, showing that the effects of the loss of confidence in 1857 had worn off.[4]

Meanwhile the government revenue had been

[1] *Cong. Globe*, 35 Cong., 1 Sess., 961.
[2] *Charleston Mercury*, July 10, 1857.
[3] *Senate Exec. Docs.*, 37 Cong., 2 Sess., No. 2, p. 228; Dewey, *Financial Hist. of the U. S.*, 264.
[4] Dunbar, *Economic Essays*, 296.

affected. The receipts from customs dropped one-third in 1858, and the surplus, habitual before the tariff reduction of 1857, was changed into a deficit of twenty million dollars. In 1859 and 1860 this condition continued until the accumulated deficits amounted to over fifty millions, a result due in part, no doubt, to the lower rates of the tariff of 1857, but primarily to the decline in imports. The policy of Secretary Cobb, to whom it fell to meet the panic, was devoid of originality and offers little of interest. Cobb was an intelligent man, and he found the treasury department in such good condition after Guthrie's administration that not even the rotation of office-holders was enough to prevent its easy operation. Cobb, however, was not primarily a financier, but a politician, and a southern one at that, and his relations with the financial world were neither close nor cordial. Further, the majorities in each House of Congress were northern in business and financial feeling, and stood in no relations of confidence with the administration or with Cobb himself. Consequently the action of the government was unimportant and rather ineffective.

When the panic began, Cobb tried to unlock some of the gold in the sub-treasuries by bond purchases to the extent of several millions, but without any particular result except to transfer some specie to the banks and to force government securities up a few points in the market.[1] When Congress met, the

[1] Kinley, *Independent Treasury*, 176.

deficit was visible and Cobb was forced, under authorization of an act dated December 23, 1857, to resort to the issue of treasury notes. Later in the same session, as the deficit grew steadily larger, Congress authorized a loan of twenty millions, in response to a report of Cobb and a message of Buchanan; and a year later it authorized the reissue of treasury notes.[1] This comprises the entire policy of the government. No attempt was made to reduce expenses, nor were any new sources of revenue provided; and the debt steadily increased from under twenty-nine millions in 1857 to nearly sixty-five millions in 1860. This was not, however, considered as in any degree impairing the government credit, which stood untouched during the panic, the subtreasuries maintaining specie payments through the months of bank suspension, and government bonds commanding a considerable premium when railway securities were prostrate and state bonds were at a considerable discount. It was not until after 1860, when political dangers thickened, that confidence in government solvency was shaken.

In these years appeared a significant forerunner of later economic changes in the shape of a revival of protectionist sentiment in Pennsylvania under the stress of hard times. Some influential papers, notably the *New York Tribune* under Greeley, declared that the panic was a result, direct or indirect, of the tariff of 1846, and urged, unremittingly, a

[1] Dunbar, *Laws Relating to Currency*, 149, 151.

return to protective duties.[1] Buchanan was so far influenced by the feeling of his state as to urge, in his message of December, 1858, an increase in the tariff for the purpose of incidental protection as well as for increased revenue, recommending in addition a change to specific duties.[2] Cobb was ready to advocate a return to the rates of 1846, but although an attempt was made at the end of the session to introduce a tariff bill, a two-thirds vote, necessary under the rules, could not be obtained. In December, 1859, Buchanan again asked for an increase in import duties, and again an attempt was made to meet the situation by the introduction, in April, 1860, of the so-called Morrill tariff. After a brief consideration, this bill, which was not much more protective than the tariff of 1846, passed the House on May 10 by 105 to 64. The Senate, however, postponed its consideration, influenced by the strong southern feeling against tariffs and the Democratic party tradition, now firmly implanted.[3]

The slight interest felt in the subject by most northern members was sufficient to prevent any action by Congress to provide additional revenue during Buchanan's term; and the decade ended with an empty treasury, an increasing debt, and much discomfort in the government departments. Had Congress shown any desire to reduce the expenditures it

[1] Stanwood, *Tariff Controversies*, II., 116.
[2] Richardson, *Messages and Papers*, V., 522.
[3] Stanwood, *Tariff Controversies*, II., 99.

would not have been difficult to relieve the embarrassment, but the appropriations continued undiminished and the whole scale of government expenditures remained at the point reached in the "flush times" immediately preceding the panic. Although Buchanan and Cobb in hesitating tones suggested retrenchment, no notice was taken; and the government remained unable to cover running expenses without repeated issues of bonds and treasury notes.[1]

By 1860, although the federal treasury still felt the effects of the crisis, the country as a whole had begun to recover its confidence and prosperity. Manufactures started up again, railroads operated with greater ease, and capital again began to be loaned with freedom. By the time of the census of 1860, even the production of iron, which was the worst sufferer in public estimation, had so far recovered as to surpass any previous figures. Railway stock, which had been at a low level in the market, rose on the average by a third or more; and railway construction, which had been reduced one-third in 1858, now increased to the average rate of the earlier years of the decade, until by 1860 there were no less than 30,592 miles of track laid down, as compared with 8585 in 1850. The superior prosperity of the southern states is indicated by the fact that construction there was not affected by the panic, but went on at a higher rate than before. In these years the southern connections between the Atlantic sea-

[1] Buchanan, *Buchanan's Administration*, 231.

board and the interior were completed, the system of roads from Virginia and South Carolina reaching Memphis on the Mississippi through Chattanooga in 1858 and 1859. Still the south remained far behind the north as a whole, having less than a third of the total railway mileage.[1]

The year 1858 was signalized by the partial success of an invention which was to revolutionize modern commerce and modern diplomacy. On August 5, 1858, the third attempt to lay an electric telegraph across the Atlantic was successfully carried through. Although the excitement and congratulation over this event, "exceeding the capacity of language," was suddenly cut short by the breakdown of the cable on September 1, the fact that four hundred messages had meanwhile been sent encouraged Cyrus W. Field, the promoter of this enterprise, to renew his efforts until complete success was attained eight years later.[2]

The reverse side of this tremendous extension of railways into the interior and the expansion of internal trade, is to be seen in the fact that the American merchant marine came in these years to a standstill. After 1856 the disorganization of British commerce due to the Crimean War was at an end, and British competition, especially in the import trade, was much more vigorous. American tonnage, while continuing to be the greatest in the world, ceased to

[1] Eighth Census of the U. S., *Miscellaneous Statistics*, 323.
[2] Field, *The Atlantic Telegraph*, 106–261.

increase in amount and began to show the effects of the change from wood to iron. The Collins line of steamers, which up to 1856 maintained a spirited rivalry with the Cunard line for the Atlantic passenger trade, was ruined by the shipwrecks of the *Arctic* in 1854 and the *Pacific* in 1856; the congressional subsidy was withdrawn in that year, and in 1858 the remaining vessels were sold.[1] The future loss of the carrying-trade, as a result of the turning of capital and invention into the more profitable fields of internal development, was foreshadowed.

The return of prosperity was indicated by the revival of banking. Although the long credits common before the panic were curtailed, the extension of loans was resumed and new charters taken out, until by 1860 there were nearly sixteen hundred banks with loans of $692,000,000 as against $648,000,000 in 1857, and a circulation of $207,000,000 as against $215,000,000 in 1857.[2] Surveying the country as a whole, it may be said that the census of 1860 found all regions except the northwest, where the recovery was less complete, in substantially the same situation as in the years before the panic.

The economic changes of the decade were reflected in alterations of population both in distribution and density. The increase in numbers since 1850 was at about the same rate as in preceding decades, the

[1] Bates, *American Marine*, 146 et seq.; Wells, *Our Merchant Marine*, 18–25, 48–57; Rhodes, *United States*, III., 9–12.

[2] Dunbar, *Economic Essays*, 314 et seq.

total population growing from twenty-three millions to thirty-one and a half, but the gain was very unequally distributed. The rural states in New England and the older slave states gained little or nothing, but the manufacturing states, from Massachusetts to Pennsylvania, increased a fourth, the cotton states nearly a third, and the grain-growing interior more than two-thirds, showing how the new railroads had stimulated western settlement.

The increase of urban population, a feature of modern industrialism which had already appeared in the earlier censuses, continued until the proportion of urban population was now almost exactly one-sixth of the whole.[1] All cities did not profit equally by this increase: the lake cities, at the junction of water and rail transportation, made the first great strides, and Chicago, Buffalo, Cleveland, Detroit, and Milwaukee sprang ahead of the river cities —Pittsburg, Cincinnati, Louisville, and St. Louis, which had hitherto been foremost in the west. On the seaboard, New York, Brooklyn, and Philadelphia swelled prodigiously, and by 1860 the modern great city had come into being all over the north.

This increase in population, it should be observed, was due in part to an immigration such as the country had never experienced before. The Irish influx which began after the famine in the preceding decade, continued undiminished, settling in great numbers in the eastern cities, furnishing cheap labor for

[1] Weber, *Growth of Cities*, 25.

railway construction, and introducing new social elements. But still more striking was the inflow from Germany, which began after the revolutions of 1848 and sent hundreds of thousands to settle in the northern states, the west as well as the east. By 1860 the United States had not only revolutionized its system of internal transportation and begun the era of great internal industrial expansion, as well as the epoch of grain-raising for the world market, but had opened the continent to the easy settlement of European immigrants, differing in race, speech, social habits, and economic ideals, and destined profoundly to affect the future development of the country.

CHAPTER XIV

THE SUPREME COURT AND THE SLAVERY QUESTION

(1850–1860)

IN his inaugural address, President Buchanan, after referring to the dispute over the legal power of the inhabitants of a territory to prohibit slavery, added, "This is, happily, a matter of but little practical importance. Besides, it is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will, it is understood, be speedily and finally settled. To their decision, in common with all good citizens, I shall cheerfully submit, whatever this may be."[1] Two days later the supreme court delivered the decision to which Buchanan referred, and in so doing stepped suddenly into the very midst of the political controversy, by announcing that Congress had no power to prohibit slavery in any territory; and that the only authority touching slavery conferred upon Congress by the Constitution was "the power coupled with the duty of guarding and protecting the owner

[1] Richardson, *Messages and Papers*, V., 431.

in his rights." The federal judiciary had hitherto borne no part in the territorial controversy, and this sudden plunge into the heart of the problem was due only to a sort of revolution within the court itself, a revolution whose significance can be fully grasped only by comprehending the policy of the supreme court upon similar matters and upon constitutional interpretation in general immediately prior to the decision.

Ever since the reconstruction of the supreme court, in the days of Jackson and Van Buren,[1] the new Democratic judges had been disposed to restrict its activity to purely legal matters, avoiding any such constructive policy as that carried out by Marshall in the famous decisions of the last half of his career.[2] In the ten years from 1850 to 1860, opinions were delivered in nearly a thousand cases, and the time of the court was absorbed in litigation arising from the commercial expansion of the country. Public land cases from the newer states and the territories grew to be a heavy burden, especially those from California, where titles were in great confusion; admiralty cases from sea-coast, lake, and river traffic increased in number, and a rapidly growing mass of inter-state cases came up from the circuits and the state courts. Among the important decisions of

[1] Cf. MacDonald, *Jacksonian Democracy* (*Am. Nation*, XV.), chap. xiv.

[2] Cf. Babcock, *Am. Nationality* (*Am. Nation*, XIII.), chap. xviii.

these years were those in patent suits, concerning the Morse electric telegraph, the McCormick reaper, and the Goodyear rubber process. In all directions the court was called upon to play its part in the new era of industrial competition.[1]

Whenever the court was obliged to face questions involving constitutional construction, the Jacksonian Democracy of most of the judges prevented any firm and consistent policy. While the general lines of federal authority were too firmly established by Marshall to be disturbed, the strong reverence of most of the judges for state-rights led them to favor the authority of the states at the expense of federal supremacy, wherever it was possible without a direct reversal of Marshall's decisions. Of the nine judges who took part in important constitutional cases in this period, only three—McLean, of Ohio, Wayne, of Georgia, and Curtis, of Massachusetts—were federalist in tendency, and no one of these held to his position with entire consistency. Taney, of Maryland, the aged chief-justice, was uncertain in his attitude, at times maintaining with vigor a position identical with Marshall's, and at other times adopting the full state-rights phraseology. The remaining five—Nelson, of New York, Catron, of Tennessee, Grier, of Pennsylvania, Campbell, of Alabama, and Daniel, of Virginia—were almost invariably found using the state-rights arguments, Daniel going so far as to employ habitually the political con-

[1] Carson, *Supreme Court*, II., 354–360.

ceptions of Calhoun. It was in the court an era of constitutional reaction.[1]

In but one direction was federal jurisdiction substantially strengthened in this period, and that was in a field where state-rights views presented obvious practical difficulties. In the cases of the Propeller *Genesee Chief* (1852) and the Wheeling Bridge (1856) the court extended the authority of Congress and the jurisdiction of the federal courts over the Great Lakes and the Ohio River, declaring both to be "navigable waters of the United States." The English precedent of a merely tide-water jurisdiction was abandoned as inapplicable to American conditions, as was stated in the *Genesee Chief* case by Taney, in an opinion which for clearness, force, and breadth was worthy of Marshall himself. Only the unbending Daniel dissented on his usual strict-constructionist grounds.[2] In the Wheeling Bridge case, however, when the court, at the instance of the state of Pennsylvania, ordered a bridge chartered by Virginia to be altered to conform to the necessities of Ohio River traffic, Taney joined Daniel in dissenting, largely on the ground that the sovereign authority of Virginia was not open to question. But in this case even Catron and Nelson concurred with the opinion of McLean for the court.[3] It was so clearly a matter of public neces-

[1] Carson, *Supreme Court*, II., 339–354.
[2] 12 Howard, 443; Tyler, *Taney*, 302.
[3] 13 Howard, 518; Gorham, *Stanton*, I., 38.

sity that federal jurisdiction should be complete over the interior waterways that Democratic scruples lost their force.

In other regions where federal and state authority clashed, the court spoke in hesitating tones; dissenting opinions were habitual, and few decisions upon constitutional points were made by a united bench. In the sphere where Marshall, by the Dartmouth College case, had sharply restricted state power, no less than a score of decisions were rendered by which the prohibition upon state interference with contracts was less rigidly construed. Only with difficulty and by a divided court were any decisions attained invalidating state laws on this ground. In 1851 an Arkansas law, refusing further reception to bills of a defunct state bank, was held to be a violation of a contract in the original bank charter; and three years later this decision was reaffirmed in a similar case. But four of the state-rights judges dissented the first time and three the second.[1] When Ohio tried, at first by legislation and then by a new state constitution, to impose a tax upon banks greater than that provided for in the original banking act of 1845, the court in two cases, over the dissent of Catron, Daniel, and Campbell, held these to be impairments of a contract and invalid; but in a third case Taney and Grier shifted their ground, joined the three

[1] Woodruff *vs.* Trapnall, 10 Howard, 190; Curran *vs.* Ark., 15 Howard, 304.

state-rights advocates, and secured a different result.[1]

In the field of federal control over commerce, the doctrines of Marshall were generally upheld, as in the earlier "Passenger Cases" (1848); but in Cooley *vs.* the Port Wardens (1852) the court held that a law of Pennsylvania, forcing the payment, if a vessel declined a pilot, of one-half of the pilotage fee to the Society for the Relief of Distressed and Decayed Pilots, was not a regulation of commerce and hence was valid. The majority in this case was composed of the state-rights group with the chief-justice, and, oddly enough, the Whig Curtis, who himself delivered the opinion. Wayne and McLean dissented on the grounds of the reasoning in Marshall's fundamental opinion in Gibbons *vs.* Ogden.[2] These decisions illustrate the disconnected attitude of the court upon constitutional questions and its lack of controlling principles.

The uncertainty of the court in constitutional matters did not prevent it from standing higher in public estimation than ever before. To most Americans it appeared the type of conservatism, impartiality, and safety. The learning, mental vigor, and thoroughness of its members had won the highest

[1] State Bank *vs.* Knoop, 16 Howard, 369; Dodge *vs.* Woolsey, 18 Howard, 331; Ohio Life Ins. Co. *vs.* Debolt, 16 Howard, 416.

[2] Cooley *vs.* Port Wardens, 12 Howard, 299; Curtis, *Curtis*, I., 168

respect of the legal profession and the public.[1] It seemed to be the one branch of the federal government wholly untouched by the sectional controversy, more especially since in cases involving slavery it had shown consistent caution. In the two best-known cases, those of Prigg in 1842, and Van Zandt in 1847, the court had held the fugitive-slave law of 1793 to be a constitutional enactment based upon the power implied in the clause of the Constitution prescribing the return of fugitives from service; but there was nothing in these decisions of a pro-slavery or anti-slavery character. They were purely legal arguments, simply applying the reasoning customary since Marshall's day to the interpretation of a clause of the Constitution. In the Prigg case, the court further held a state law invalid which conflicted with the federal statute, by assuming to punish kidnapping.[2] During the struggle over slavery in the territories, repeated suggestions were made that the legality of territorial slavery should be left to the supreme court, and the New Mexico act of 1850 contained a provision that cases involving the title to slaves and those involving the question of personal freedom were to be brought directly to it.[3] Still, nothing had yet come to test its temper, and

[1] Carson, *Supreme Court*, II., 66; Biddle, "Constitutional Development as Influenced by Taney," in Rogers, etc., *Constitutional History*, 125–127, 195.

[2] Prigg *vs.* Pennsylvania, 16 Peters, 539; Jones *vs.* Van Zandt, 5 Howard, 215; Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xix.

[3] *U. S. Statutes at Large*, IX., 450, 455.

nothing but the known state-rights tendencies of six of the judges and the fact that five of the nine were from slave states seemed to point to any but cautious action when, in 1855, the suit of Dred Scott *vs.* Sandford was brought before it on appeal from one of the circuit courts.[1]

The facts in the case were simple, and admitted of an easy decision without touching upon any vital points. Scott, a slave, had been taken by his master, an army surgeon, to places in Illinois where slavery was prohibited by the Northwest Ordinance and by the state constitution, and to a post in the northern part of Louisiana territory where slavery was excluded by the Missouri Compromise of 1820. Scott returned with his master to Missouri without protest, but after several years brought suit for his freedom in the state courts against his master's widow, on the ground of residence in free territory, supported, in fact, by Missourians to make a test case. In 1852 the Missouri supreme court decided against him, but meanwhile he had come into the possession of the executor of his former owner, Sandford, of New York, against whom he brought suit in the federal circuit court as a citizen of another state. In the federal court, Sandford raised a preliminary objection that Scott, as a negro descended from slaves, could not possibly be a citizen and so could not sue. This the court overruled, but then went on to hold that in such cases of personal freedom the federal

[1] Dred Scott *vs.* Sandford, 19 Howard 393.

practice was to follow the decision of the highest state court, and hence, since the Missouri court had decided against Scott, the circuit court must so decide.

When the case came before the federal supreme court, the only point to be adjudicated was the decision of the circuit court to follow the Missouri court, and the way seemed to be clearly marked out by the case of Strader *vs.* Graham (1851), where precisely this rule of following state decisions had been laid down.[1] Upon all the principles of legal caution and court practice the duty laid upon the supreme court was an unimportant one. When the case was first argued, this view prevailed with the majority of the judges; but since Taney was in doubt as to whether the plea regarding Scott's citizenship might not properly come before them, a second argument was ordered on that question for December, 1856.[2] After the second argument, it still appeared that the majority held to the plain path marked out by precedent, and Nelson, of New York, a rigid state-rights judge, was instructed to write an opinion sustaining the decision of the circuit court.

At this point a new influence suddenly appeared. Judge Wayne, of Georgia, was impressed after the recent victory of the Democratic party in the presidential election with the idea that the time was ripe for the supreme court to end the slavery controversy

[1] 10 Howard, 82.
[2] Curtis, *Curtis*, I., 180; J. A. Campbell, in 20 Wallace, p. ix.

once for all, and he urged the court to make the pending Dred Scott case the opportunity for a decision which should take the whole subject of regulating slavery out of the power of the federal government.[1] His animated arguments with his colleagues were undoubtedly made effective by the sense of the crisis through which the country had just passed, and in the end he prevailed upon the southern justices and Grier, of Pennsylvania. A motion was then adopted that Chief-Justice Taney should write an opinion "upon all questions involved," but the moment the court departed from the plain road marked out by precedent there was no possibility of unanimity. When Taney read his opinion "upon all questions involved," one judge only—Wayne—concurred with him, five others concurred separately in partial and irregular fashion, and two dissented point-blank.

Upon the original issue of Dred Scott's freedom the decision of the court stood, as it had been from the start, adverse, only Curtis and McLean dissenting. Taney's opinion, assigning reasons for the decision which stood formally as the opinion of the court, was, however, not so much a judicial statement as an elaborate essay upon the history of slavery under the Constitution, and a justification of the most radical southern positions regarding the institution. No negro, the chief-justice said, could possibly be a citizen in the constitutional sense, whatever action a state might take with re-

[1] Curtis, *Curtis*, I., 206, 234–242; Tyler, *Taney*, 382–388.

gard to him, for the Constitution was not intended to apply to any but the white race. The negroes, he concluded, in words which became inseparably attached to his name, were considered at the time of the adoption of the Constitution, "so far inferior that they had no rights which the white man was bound to respect." [1] Hence Dred Scott could not sue in the United States court as a citizen of Missouri.

At this point, having denied the right of the plaintiff to sue, Taney was bound in logic to dismiss the case, but instead of so doing he took up the question of Scott's freedom, as affected by residence in Louisiana territory and in Illinois. The right of property in slaves, he argued, was specifically mentioned and recognized in the Constitution; no power over it was given to Congress; the United States held territories simply as "representative and trustee" for the states, and could make no discrimination between citizens of the several states in respect to property rights in them. Hence, he concluded, a prohibition of slavery in the territories was invalid, the Missouri Compromise had been unconstitutional, and Scott could not acquire freedom because of temporary residence in such territory. Finally, as to the effect of residence in Illinois, Taney turned to the decision of the Missouri court, which he held to be decisive against any claim to freedom on that ground. Hence, from all points of view, Scott had not proved a right to his freedom.[2]

[1] 19 Howard, 407.

[2] Tyler, *Taney*, 380–391.

Had this opinion, with all its glaring inconsistencies, stood as that of a united court, its length, learning, and authority would have made it impressive, but it was almost as much damaged as supported by the variety in the concurring opinions. In the first place, Taney's main position, that of the impossibility of citizenship for a negro descended from slaves, was concurred in by only two judges, while one dissented and the other five expressly declined to consider the point. Then as to reaffirming the decision of the circuit court that the Missouri decision must be followed, one judge—Nelson—rested his whole opinion upon it, and five others, including Taney himself, concurred. But if this position were valid, there was no necessity for any consideration of the Missouri Compromise; for if Scott was not freed by the Illinois prohibition, which was undoubtedly constitutional, then the prohibition in the Louisiana territory, whether constitutional or not, could not affect his status.[1]

Nevertheless, Taney received the concurrence of five other judges in declaring the Missouri Compromise to have been illegal and void, although such an opinion was an *obiter dictum*, dragged into the case. Justice Catron, in his desire to stand with the majority, took the extraordinary ground that, although there was no question of the power of Congress over the territories, the third article of the treaty of 1803, which guaranteed the inhabitants of Louisiana their

[1] Gray and Lowell, *Legal Review*, 25.

rights, stood protected by the Constitution and could not be repealed. Hence, the Missouri Compromise was invalid, not because of any special sanctity of slave property, but because it conflicted with a treaty, a position wholly foreign to American constitutional law.[1] The political character of the whole performance was stamped upon it in the phraseology of the opinions as well as in the logical incoherence and superfluousness of the arguments, however able most of the individual opinions were if taken singly.

Of the two dissenting opinions, McLean's was vigorous in language and argument, but Curtis's was undeniably superior and has gained a fame seldom acquired by dissenting views. He took up categorically, and, by a complete, logical argument, refuted every one of the chief-justice's points. He began by disproving on historical grounds the assertion that no negro could be a citizen; hence Dred Scott could not legally be debarred from bringing suit on the mere ground of color. In continuing, he held that the Missouri decision was not binding upon the supreme court, and that a slave did gain a right to freedom by residence in a region where slavery was prohibited. The contention that the United States had no power to exclude slavery from a territory, Curtis showed to be contrary to the uniform practice of the government since 1789, and a practical reversal of several fundamental decisions of the court concern-

[1] 19 Howard, 527.

ing the powers of Congress over territories. He held, therefore, that the Missouri Compromise had been constitutional up to its repeal in 1854, and that Scott ought to be declared free because of his residence in the territory to which it referred.[1]

As an exposition of the Websterian or Federalist conception of the nature of the government and the powers of Congress, this dissenting opinion was a masterpiece. It overthrew the labored arguments of Taney, and showed the majority to be innovators and practical revolutionists. Curtis plainly said that, in his eyes, the decision was worthless. "On so grave a subject as this," he said, "I feel obliged to say that in my opinion such an exertion of judicial power transcends the limits of the authority of the court, as described by repeated decisions. . . . I do not consider it to be within the scope of the judicial power of the court to pass upon any question respecting the plaintiff's citizenship in Missouri save that raised by the plea to the jurisdiction, and I do not hold an opinion of this court, or of any court, binding when expressed on a question not legitimately before it."[2] The only point where Curtis's argument failed to overthrow the majority opinions was his denial of the binding force of the Missouri decision upon the United States courts. The original decision of the court, as expressed in Nelson's opinion, agreed in this respect with the usual practice of the supreme court in following state precedents, and

[1] 19 Howard, 564–633. [2] *Ibid.*, 589.

was a sufficient—in fact, the only sufficient—ground for the decision.

The effect of this decision was weakened both by the patent and almost avowed purpose to settle a political question as well as by the intrinsic disagreements and inconsistencies of the judges. Lawyers were quick to expose the extra-legal character of much of Taney's opinion and to doubt the binding character of anything but the bare decision itself. Yet, after all judicial, legal, and logical criticisms were made, the fact remained that a two-thirds majority of the judges was on record as holding the extreme southern position regarding the power of Congress over the territories. It seemed to be a positive intervention on behalf of slavery, and as such it was welcomed by southern leaders, writers, and political agitators, in a chorus of praise which showed how substantial they thought their gain. "The nation has achieved a triumph," said the *Enquirer*, "sectionalism has been rebuked and abolitionism has been staggered and stunned. Another supporting pillar has been added to our institutions." [1]

At the north the impression was universal that the "slave power" had gained another victory at the expense of legal impartiality and honor. Although the decision had been foreshadowed before Buchanan's inauguration, it came as a surprise and irritation, and provoked a storm of criticism. "Alas,

[1] *Richmond Enquirer*, March 11, 1857.

that the character of the Supreme Court of the United States as an impartial judicial body has gone!" cried a writer in the *New York Tribune*. "It has abdicated its just functions and descended into the political mire. It has sullied the ermine; it has draggled and polluted its garments in the filth of pro-slavery politics!" [1] "The majority of the court," said the *Springfield Republican*, "rushed needlessly to the conclusions, and are justly open to the suspicion of being induced to pronounce them by partisan or sectional influences. . . . The people are the court of last resort in this country. They will discuss and review the action of the Supreme Court, and if it presents itself as a practical question will vote against it." [2]

The Republicans, declining to bow to a decision which would cut the ground from under their feet, denounced the Dred Scott doctrines as unworthy of obedience, and reasserted their purpose to oppose the extension of slavery into the territories. The radicals among them threatened to override or reconstruct the court. Seward, in the Senate, exclaimed, defiantly, "The Supreme Court of the United States attempts to command the people of the United States to accept the principle that one man can own other men; and that they must guarantee the in-

[1] Pike, *First Blows of the Civil War*, 368.

[2] *Springfield Republican*, March 11, 1857; Merriam, *Bowles*, I., 222; extracts from various authors, in Hart, *Am. Hist. told by Contemporaries*, IV., §§ 41–43.

violability of that false and pernicious property. The people of the United States never can, and they never will, accept principles so unconstitutional and abhorrent. . . . We shall reorganize the Court, and thus reform its political sentiments and practices, and bring them into harmony with the Constitution and the laws of nature." [1]

Many believed that it was part of a plot concocted between Douglas, Pierce, Taney, and Buchanan, or, as Lincoln expressed it, "When we see a lot of framed timbers, different portions of which we know to have been gotten out at different times and places and by different workmen — Stephen, Franklin, Roger and James, for instance—and when we see these timbers joined together and see that they exactly make the frame of a house, . . . in such a case, we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common plan or draft, drawn up before the first blow was struck." [2] This charge enraged Taney and Buchanan, and was, in fact, a mere assumption, unsupported by any other evidence than the reference by Buchanan, in his inaugural, to the approaching decision.

Within the next three years the court was called upon to give decisions in two other cases involving slavery; and each time, although its action was in

[1] *Cong. Globe*, 35 Cong., 1 Sess., 943.
[2] *Lincoln and Douglas Debates*, 3; Tyler, *Taney*, 374.

reality conservative, it appeared to the suspicious north to be tinged with pro-slavery bias. In Ableman *vs.* Booth (1859), a case where the Wisconsin supreme court interfered in behalf of a person guilty of aiding a fugitive slave to escape from the custody of federal officials, on the ground that the fugitive-slave law, which he had violated, was unconstitutional, Taney, in a severe opinion, pronounced the action of the Wisconsin court to be revolutionary and the fugitive-slave law to be perfectly valid.[1] In 1861 the court was asked to issue a mandamus to compel the governor of Ohio to deliver to the Kentucky authorities a man charged with aiding a slave to escape. Taney's opinion stated strongly the duty of the governor of Ohio to deliver the criminal, but admitted the impotence of the supreme court to compel him to act. "When the Constitution was framed," said Taney, "and when this law was passed it was confidently believed that a sense of justice and of mutual interest would insure the faithful execution of this constitutional provision by the executive of every state. . . . But if the Governor of Ohio refuses to discharge this duty, there is no power delegated to the general government . . . to use any coercive means to compel him."[2]

The words of the aged chief-justice fittingly closed an epoch in the history of the supreme court. The time had come when justice and mutual interest

[1] 21 Howard, 506.
[2] Kentucky *vs.* Dennison, 24 Howard, 66, 109.

were no longer adequate to settle sectional disputes. The intervention of the court in the slavery controversy proved utterly futile, for the differences between north and south were too deep-seated to be affected by a mere court decision. The only results of the Dred Scott case was to damage the prestige of the court in the north and to stimulate a sectional hostility which threatened to recoil upon the heads of the judges themselves.

CHAPTER XV

THE FINAL STAGE OF THE KANSAS STRUGGLE (1857–1858)

IN the opening year of Buchanan's administration political prospects were brighter for the Democratic party than for several years previous. It was true that the dreaded northern sectional party had at last appeared with formidable strength; but, on the other hand, the forces of conservatism represented by the Democratic and American organizations equalled it in the north and outnumbered it in the country at large. Popular sentiment, tired of the wrangles over slavery, subsided into the quietude which habitually marks the year succeeding a presidential contest. The Republican party now seemed to be undergoing a reaction; for in the local elections of 1857 it lost ground nearly everywhere, barely carrying several states which had given good majorities in 1856 and failing in New York. In Ohio, where Chase was elected in 1855 by fifteen thousand plurality, he narrowly secured a second term by a margin of 1481 votes. Democratic papers even affected to think that the Republican party was about to expire. "Black Republicanism is dead in Ohio,"

said one. "The strong tide of public feeling is surging against it everywhere and the Democrats have fought their last battle against it in this state and in the Union." [1] It seemed quite within the range of possibility that if Buchanan successfully adopted towards Kansas the fair, impartial course to which he had pledged himself, he might end the whole territorial controversy and leave the Republican party with no grievance and no excuse for existence.

With such hopeful prospects before him, Buchanan took up the Kansas situation in the spring of 1857. His course was clear, marked out for him by the action of his party on the Toombs bill of 1856, by the declaration in the Democratic platform, and by his own explicit statements during and after the campaign. All that was necessary was to appoint an impartial governor, secure a fair registration of voters, provide an honest election to a convention, and furnish an opportunity for the people of Kansas to accept or reject any constitution which might be draughted. Nothing in the Dred Scott decision obstructed this programme; for admitting the validity of the principle that neither Congress nor the territorial legislature could exclude slaves from a territory, the supreme court did not deny that in forming a state constitution the people of a territory could pass upon the point. "It is the imperative and indispensable duty of the government of the United States," said Buchanan in his inaugural address, "to

[1] *Cleveland Plain Dealer*, October 17, 1857.

secure to every resident inhabitant the free and independent expression of his opinion by his vote. . . . That being accomplished, nothing can be fairer than to leave the people of a territory free from all foreign interference to decide their own destiny for themselves." Still more definitely, in a letter of July, he said, "On the question of submitting the constitution to the *bona fide* resident settlers of Kansas, I am willing to stand or fall." [1]

To carry out his policy, Buchanan sent Robert J. Walker, of Mississippi, to succeed Geary, whose impartial course had been so ill supported by the Pierce administration that he resigned in disgust on March 4, 1857, and, like his predecessors, left the territory in fear for his life.[2] Walker, to whom fell the ungrateful task, was a figure of national reputation, formerly senator from Mississippi, secretary of the treasury under Polk, and author of the tariff of 1846, an energetic, irascible man, honorable and fearless of criticism, determined, although from a slave state, to adhere strictly to the impartial course agreed upon by him with Buchanan. In his inaugural address, on May 26, he urged all the settlers to co-operate in forming a state government, announcing that the administration was pledged to secure a fair vote, and that any constitution adopted would be submitted "for ratification

[1] Richardson, *Messages and Papers*, V., 431; *House Reports*, 36 Cong., 1 Sess., No. 648, p. 112.

[2] Gihon, *Geary*, 288–291.

or rejection by a majority of the then actual, *bona fide* settlers of Kansas." [1]

This plan, however, encountered a serious obstacle in the form of a movement by the pro-slavery party in Kansas towards the framing of a constitution. It was seen that if the Free State party continued its policy of refusing to take part in any territorial elections, it would be easy to secure a pro-slavery constitution and ask the admission of Kansas into the Union as a slave state. Acting under this idea, the territorial legislature, after a favorable popular vote in October, 1856, set June 15, 1857, for the election of delegates. Moreover, Stanton, the secretary of the territory and acting governor before the arrival of Walker, apportioned delegates upon the basis of the pro-slavery electoral registration, defective as it was, and Walker found himself confronted with a constitution-making process which altogether failed to correspond with the impartial intentions of himself and Buchanan.

In the attempt to induce the Free State men to participate in the affair, Walker was unsuccessful, and the election of delegates at this critical point drew out less than one-eighth of the voters in the territory and resulted in the choice of a unanimously pro-slavery convention.[2] Not disheartened by

[1] Holloway, *Kansas*, 49.

[2] Walker to Buchanan, June 28, 1857, *House Reports*, 36 Cong., 1 Sess., No. 68, p. 118.

this set-back, Walker continued to urge the Free State party to share in the coming territorial election of October, 1857, and during the summer succeeded in convincing them of his impartiality and of the wisdom of abandoning the hopeless effort to maintain the Topeka government. Many eastern Republicans approved such a change of policy, believing that the majority of Free State men was so large that they could be certain, under a fair count, of controlling the territorial election.[1] Walker himself saw clearly that the pro-slavery element was outnumbered, but he felt sure that if Kansas were admitted as a state, free or slave, it would be controlled by the Democratic party and would furnish two more senators to aid in holding the Senate against the danger of Republican control.

By this time, however, Walker's policy had begun to evoke criticism from southern leaders. His repression of Lane and the violent Free State men did not atone in their eyes for his attempts to win the confidence of the moderate anti-slavery leaders; and his hopes for an additional Democratic state offered small compensation for the loss of an expected slave-holding community. His pledge that the constitution should be submitted to the people was termed "a breach of neutrality and an insidious and high-handed breach of faith towards the South and the Southern men in Congress." He was denounced by the Alabama senate and censured by

[1] Robinson, *Kansas*, 354 et seq.

the Democratic state convention of Mississippi, and in August the *Charleston Mercury* declared: "We do not believe that since the Union began there has been any question which has brought the South into more complete union than the proceedings of Governor Walker in Kansas. . . . We do not believe that a single man who sought the suffrages of our people would dare to support or defend Walker's villainy in Kansas." [1] The danger that the Free State men might vote against a pro-slavery constitution now led the radical southern papers to urge that the pro-slavery convention already elected in the spring should enact any constitution it might draught without submitting it to popular vote, notwithstanding the unqualified pledges of both Walker and Buchanan.

In the territorial election of October, 1857, Walker honorably redeemed his promises by throwing out the returns from counties where the pro-slavery party cast its usual fraudulent votes, with the result that the Free State party secured a clear majority of both Council and House of Representatives.[2] Had Reeder or Shannon played their parts with equal firmness, this result might have been anticipated by many months, for at all times since the election of 1855 there seems to have been a Free State majority in the territory. Certainly from this moment it was clear that Kansas could not be made

[1] *Charleston Mercury*, May 19, August 19, 1857.
[2] Brown, *Reminiscences of Walker*, 74–103.

a slave state except against the will of its voters. A turning-point was reached.

The constitutional convention elected in the previous spring now met at the pro-slavery town of Lecompton, with the certainty that its work would be rejected if submitted to the voters. Protected from the angry Free State men by federal troops, this body, under the leadership of John Calhoun, the surveyor of the territory, played a desperate game. Not daring to follow the suggestions showered upon them by southern newspapers, that they should enact a constitution without any popular vote, they draughted a document which contained a special article on slavery and voted to submit that alone to popular suffrage. It declared that the right of property was higher and before any constitutional sanction; that the right to slave property and its increase was inviolable; and that there was no power in the state to emancipate slaves without their owners' consent, nor to prevent their entrance. If this article should be stricken out, slavery should no longer exist, except that the right of property in slaves already in the territory should not be interfered with. The vote was to be "For the Constitution with Slavery" or "For the Constitution without Slavery," and was to be conducted by officials appointed by the convention itself.[1]

[1] Poore, *Charters and Constitutions*, 605–611; MacDonald, *Select Documents*, 436.

The plan was not unskilful. It certainly seemed to submit the crucial point to the people of Kansas, and thereby, if the voters were only concerned to pass upon the existence of slavery, to carry out the pledges of Buchanan and Walker. It was true that if the "Constitution without Slavery" were adopted, the slaves already in Kansas would not be freed, and amendment would not be possible until 1864; but from the southern point of view the main question would have been settled. The non-submission of the constitution itself did not strike a southerner as peculiar, for this method of enactment was common in the slave states.

The intense indignation in Kansas over this plan of submission was quickly communicated to the north, where the proposition was at once stigmatized as a swindle. "The pretense of submission is a fraud," said the *Tribune*, "and the refusal to submit the entire constitution itself an outrage."[1] Probably the angriest person in the United States was Walker, who found all his plans thwarted. He told Calhoun plainly that if the scheme were carried through he should oppose it with all his power. Calhoun replied that Buchanan himself favored the idea, whereat Walker in a passion retorted: "I consider such a submission of the question a vile fraud, a base counterfeit, and a wretched device to keep the people from voting. . . . I will not support it, but I will denounce it, no matter whether the ad-

[1] *N. Y. Tribune*, November 16, 1857.

ministration sustains it or not." [1] When the convention adjourned, leaving the vote to be taken on December 21 through its agents, the exasperated governor returned to Washington, as each of his predecessors had done, to lay the matter before the president.

A highly critical decision now lay in Buchanan's hands. In spite of recent Democratic victories and the large Democratic majority in each House of Congress, the administration trembled on the brink of a disaster as complete as that which had overtaken Pierce when his outlook seemed equally prosperous, for the cry of broken faith had wrecked Pierce and it might also ruin Buchanan. The Lecompton constitution tested the sincerity of Buchanan's pledges, for if he were to support his agent, Walker, he could not avoid repudiating that document as Walker had done. It was asserted at the time that this half-way method of submitting the constitution was a plot concocted in the cabinet by Thompson, the secretary of the interior and Calhoun's superior, but that Buchanan himself, up to this period, was innocent, seems to be proved by his correspondence with Walker. He was still free to act.[2]

But Buchanan was never in his prime a strong-willed man, and now he was old and weak. When

[1] *House Reports*, 36 Cong., 1 Sess., No. 648, p. 110.

[2] Buchanan to Walker, October 22, 1857; Nicolay and Hay, *Lincoln*, II., 110; *House Reports*, 36 Cong., 1 Sess., No. 648, p. 114.

Walker reached Washington he found that the president had been fairly terrified by Cobb, Thompson, Davis, and other southerners into deciding to uphold the work of the Lecompton convention,[1] and the only course for Walker was to resign, which he did in a stinging public letter.[2] In taking this step, Buchanan committed a blunder worse even than that of Pierce when he upheld the fraudulent Kansas legislature, for Buchanan not merely furnished a grievance for the languishing opposition; he took, as it proved, the first step towards the disruption of the Democratic party.

At this juncture the one personality upon whom most depended was Douglas, the idol of the western Democrats, the ablest senatorial debater, and the strongest single leader in the party. He had not found it hard to extenuate the pro-slavery frauds and the Missourian invasions and to uphold the territorial legislature against the Free State "Rebels" with all his powers of argument. If ambition was his guide, it seemed as though he could not hesitate to remain a stalwart defender of the administration and of the Lecompton constitution. But Douglas and his constituents understood something real by "popular sovereignty." By even the narrowest construction, this must mean that the people of a territory actually should vote upon a proposed consti-

[1] Rhodes, *United States*, II., 280.

[2] Walker to Cass, December 15, 1857, *Senate Exec. Docs.*, 35 Cong., 1 Sess., No. 8, p. 130.

tution, in whole and in part, as had been done in every one of the northwestern states between 1846 and 1851. For Douglas to approve the plan of the Lecompton constitution was to put himself squarely athwart every tradition of his section, and he knew this perfectly well. Accordingly, in a dramatic interview, he told the indignant Buchanan that he should denounce it. "Mr. Douglas," said Buchanan, "I wish you to remember that no Democrat ever yet differed from an administration of his own choice without being crushed. Beware of the fate of Tallmadge and Rives." To which Douglas pithily re orted: "Mr. President, I wish you to remember that General Jackson is dead." [1]

Events now moved straight to a party crisis. In his annual message, Buchanan said that the Lecompton convention was legal, and that by the method of submission "every citizen shall have an opportunity of expressing his opinion by his vote whether Kansas shall be received into the Union with or without slavery, and thus the exciting question may be peacefully settled in the very mode required by the organic law. The election will be held under legitimate authority, and if any portion of the inhabitants shall refuse to vote, a fair opportunity to do so having been presented, this will be their own voluntary act and they alone will be responsible for the consequences." [2]

[1] Nicolay and Hay, *Lincoln*, II., 120.
[2] Richardson, *Messages and Papers*, V., 453.

Two days later Douglas rose and announced his purpose to oppose the Lecompton constitution. He asserted that the Kansas-Nebraska act had for its fundamental principle the right of the people of the territory to decide on *all* their "domestic concerns," not merely slavery; that the universal understanding in the country and in the territory had been that any constitution, however framed, would have to be submitted as a whole to the *bona fide* voters; and that on this issue the national election of 1856 had been won. "They have a right," he said, "to judge for themselves whether they like it or not. . . . It is no answer to tell me that the constitution is a good one and unobjectionable. . . . Whether good or bad, it is none of my business and none of yours. . . . Let me ask you why force this constitution down the throats of the people of Kansas in opposition to their wishes and in violation of their pledges? . . . Frame any other bill that carries out the pledge that the people shall be left free to decide on their own domestic institutions for themselves and I will go with you. . . . But if this constitution is to be forced down our throats, in violation of the fundamental principles of free government, under a mode of submission that is a mockery and an insult, I will resist it to the last." [1] This message and speech produced a sensation throughout the country, for it presaged a serious rupture between Douglas and the administration.

[1] *Cong. Globe*, 35 Cong., 1 Sess., 17, 18.

While southern papers commented severely upon Douglas's position, most of the northern Democratic sheets applauded his stand and condemned the Lecompton constitution.

In Kansas the situation now developed rapidly into another deadlock; for when, on December 21, the vote on the Lecompton constitution took place, the Free State men, who opposed the document as a whole, refused to participate. Hence the results stood: for the constitution with slavery, 6226 (of which 2720 were later proved fraudulent); for the constitution without slavery, 569. Meanwhile the territorial legislature, convened by Stanton at the urgent demand of the Free State party, had provided for another vote on January 4, 1858, in which ballots might be cast against the constitution as well as for it. Stanton was promptly punished for this indiscretion by removal, but the second vote came off with the following results: for the constitution with slavery, 138; for the constitution without slavery, 24; against the constitution, 10,226. In this confused form the verdict of Kansas upon the Lecompton constitution came before the president and Congress.

Buchanan was by this time fully committed to the extreme southern position and had cast aside every vestige of the impartiality he had avowed in the preceding year. February 2, 1858, he sent the Lecompton constitution to Congress and recommended the admission of Kansas under it as a

slave state. He stigmatized the refusal of the Free State party to vote on December 21 as part of their "treasonable system," especially unpardonable, since, at this time, "the all-important question" was submitted. If they really wished to make Kansas a free state, he concluded, the only way they could do so was by submitting to the Lecompton constitution. "It has been solemnly adjudged," he urged, "by the highest judicial tribunal, . . . that slavery exists in Kansas by virtue of the Constitution of the United States. Kansas is therefore at this moment as much a slave state as Georgia or South Carolina." [1] By this action the irretrievable step was taken and the fate of the administration and the Democratic party was staked on the effort to force Kansas in as a slave state. From the point of view of political expediency and of party management, no president ever made a worse mistake.

[1] Richardson, *Messages and Papers*, V., 479.

CHAPTER XVI

THE TRIUMPH OF DOUGLAS

(1858)

IN the controversy into which the country was now plunged by the new turn of the Kansas struggle, the storm no longer raged in that territory, for the ascendency of the Free State party was seen to be assured; nor did it convulse the country at large, for a sense of fatigue and disgust over the whole Kansas affair made itself felt, and the financial depression served to distract public attention. The vital matter was now the complicated and exceedingly bitter party situation resulting from Buchanan's attempt to force the admission of Kansas under the Lecompton constitution, the dramatic bolt of Douglas, and the consequent likelihood of the disruption of the Democratic party.

The contest began in Congress with an attempt to punish Douglas for his desertion at this crisis, when victory seemed in the grasp of the south, by breaking him down altogether. The Lecompton debate in the Senate took the form of a savage attack upon Douglas and three other Democratic senators who stood with him—Stuart, of Michigan, Pugh, of

Ohio, and Broderick, of California. At the same time an official proscription which surprised even the hardened spoilsmen of that day was carried through, every adherent of Douglas being mercilessly turned out of the public service, while congressmen were given to understand that a vote against the Lecompton bill meant political death.[1]

Under this heavy fire the conduct of Douglas was admirable. Carefully refraining from assailing either the president or any of his defenders, he confined himself to justifying his right to an independent opinion and delivering a series of crushing attacks upon the Lecompton constitution, as a violation not only of "popular sovereignty" but of common fairness and equity. The Republicans, for obvious reasons, gladly allowed him to take the brunt of the conflict. On the other side the arguments did little more than repeat those of Buchanan's messages, but underneath all that the southern senators said ran the assumption that Kansas was by right theirs and ought to be a slave state; and that a refusal to admit it under the Lecompton constitution was sufficient ground for secession.

Feeling ran extremely high in Congress during the contest, especially between the administration Democrats and those who followed Douglas, and the session of the House in which the bill was introduced broke up in a series of fist-fights between

[1] Sheahan, *Douglas*, 387; *House Reports*, 36 Cong., 1 Sess., No. 648, p. 296.

northern and southern members.[1] The struggle was not long, however. On March 23 the Senate voted to admit Kansas under the Lecompton constitution, by 33 to 25, two southern Americans—Bell, of Tennessee, and Crittenden, of Kentucky—voting in the minority with the Republicans and the four bolting Democrats. In the House, however, on April 1, no less than 22 Democrats joined with 6 Americans and 92 Republicans to carry an amendment providing for a resubmission of the constitution; the administration retaining 104 Democrats and 8 of the Americans. In accepting this amendment, the Republicans abandoned their earlier principle of unqualified opposition to slavery, and accepted the ground which they rejected in the discussion of the Toombs bill of 1856; but the practical certainty that the constitution would be rejected, coupled with the unsettling effect of the Dred Scott decision, made them willing to use the opportunity even at the risk of a violation of consistency.[2]

The administration could not afford to let this amendment kill the bill, for a settlement of the Kansas question had become an absolute political necessity. Accordingly, in conference committee, W. H. English, of Indiana, offered a compromise by which the resubmission was granted, but on the condition that if Kansas rejected the Lecompton constitution it was to lose part of the public land it

[1] Johnston and Browne, *Stephens*, 329.
[2] Von Holst, *United States*, VI., 228.

desired, and was not to be admitted as a state until its population equalled the ratio necessary for a representative in Congress. This proposition bore marks of the same kind of statesmanship as that which framed the Lecompton constitution itself, joining as it did a penalty and a bribe to induce the voters of Kansas to accept the objectionable document. Yet the fact that it yielded the main point induced nine of the anti-Lecompton Democrats in the House to change front, and thereby the compromise was accepted, by a vote of 120 to 112. In the Senate Douglas fought the English bill to the end, but it passed easily on April 30.

The final decision was now remitted to the voters of Kansas; their response was made on August 2, when the vote stood, for accepting the constitution, 1926; for rejecting it, 11,812. The Free State majority preferred to remain in the territorial status rather than to enter the Union under a pro-slavery constitution. With this decision the Kansas difficulty came to an end. Legally, according to the Dred Scott doctrine, slavery might exist in Kansas, but practically it was excluded, through the control of the territory by northern men.

The Kansas question had been settled by Buchanan, at last, although in a manner which brought him neither glory at the south nor popularity at the north, but the party problem created by it remained to be solved. Was Douglas to be pardoned and restored to good standing in the Democratic

ranks, or would the administration and its southern counsellors persist in the effort to ruin the man who had been their strongest northern ally? The answer to this question in the summer of 1858 was unmistakable. From the southern leaders and newspapers and from the administration organs in the north came an uninterrupted chorus of condemnation of the traitor. "We shall treat Judge Douglas," said a Tennessee newspaper, "just as we should treat any other Democrat who, in an emergency, abandoned his principles and made common cause with the enemy." [1] When Douglas was renominated to succeed himself as senator from Illinois, the south repudiated the action of the Illinois Democrats, and, with the exception of Wise, of Virginia, and the *Richmond Enquirer*, expressed a desire for his defeat; and the federal office-holders in the state, with the support of the administration, organized separate anti-Douglas nominations for state and legislative offices in order to divide the Democratic vote.[2]

It now became a question in the minds of many Republican leaders, notably Greeley, of the *New York Tribune*, and Senator Wilson, of Massachusetts, whether their party ought not to seek to enlist Douglas as a new recruit in order to use his great powers in behalf of their cause.[3] Accordingly, they

[1] *Nashville Union*, June 24, 1858.
[2] Nicolay and Hay, *Lincoln*, II., 144 et seq.
[3] Macy, *Political Parties*, 259–262; Wilson, *Slave Power*, II., 567.

urged that the Illinois Republicans should not contest his return to the Senate, thinking that he would be more troublesome to the Democrats than any Republican who could be elected; but the western Republicans saw insurmountable obstacles. "What we have seen, heard and felt of him," said Chase, "will make it impossible for us to trust him until after a very sufficient probation, . . . which he has not the slightest intention of undergoing. In fact, he neither expects nor wishes more from us than a suspension of hostilities until his re-election is made secure." [1] "The fact is," said the *Chicago Tribune*, "Mr. Douglas has recanted none of his political heresies. . . . The exigencies by which he was surrounded brought him into conflict with the administration upon a simple question of *fact* as to whether the Lecompton constitution had been sufficiently submitted to the people; upon matters of principle his views are substantially those of Mr. Buchanan. . . . It is asking too much of the freemen of Illinois . . . to support a man for Senator who, if not avowedly a champion of slavery extension, gives all his influence to it." [2] The nomination by the Illinois Republicans in state convention on June 16, 1858, of Abraham Lincoln as their party candidate for senator ended the hopes of any coalition.

In the congressional and state elections of 1858, the people of the country passed their verdict upon

[1] Chase to Sumner, January 18, 1858, in Am. Hist. Assoc., *Report*, 1902, II., 276. [2] *Chicago Tribune*, July 10, 1858.

the administration of Buchanan. In the south the Democrats found the opposition party still in the field—once Whig, later American, and now nameless—but had no difficulty in preserving their ascendency. In the north, however, the Republicans made a vigorous campaign on the issue of rebuking the administration for the "Lecompton swindle," and were aided in a decisive way by the commercial depression following the panic of 1857. In the state of Pennsylvania, which had remained unswervingly Democratic through the Kansas excitement, the prostration of the iron industry caused a sharp revival of protectionist feeling and a desire to rebuke the Democratic administration. Fired by these sentiments, the Republicans and Americans, joined by a group of anti-Lecompton Democrats led by J. W. Forney, met in a People's convention at Harrisburg on July 14, and nominated candidates for state judge and canal commissioner on a platform which denounced the Lecompton iniquity and demanded "adequate protection for American industry." [1]

Public interest centred in Illinois, for Douglas, declining to submit to his political enemies, made a desperate canvass of the state. So great was his hold over the Illinois farmers that the utmost efforts of the administration agents failed to undermine his popularity; from the opening of the campaign he was greeted by crowds in every town and country with

[1] *Pa. Inquirer*, June 5, July 15, 16, 1858.

cheers and enthusiasm. Popular excitement was soon increased when Lincoln issued a challenge to Douglas to hold seven joint debates in various parts of the state. This was a bold step, for there was no better debater in the United States than Douglas. He was quick, adroit, plausible, wonderfully gifted with the power of fallacious and mendacious assertion in a way that made exposure seem laborious and ineffective. No man in the Senate could hold him to the point or avoid being driven into an uncomfortable defensive attitude by his ruthless personalities. Lincoln, on the other hand, was less self-confident, slower in thought, clumsy in repartee, and by no means Douglas's match in running debate; but he never lost his temper or allowed himself to be distracted by side issues, and he struck steadily and mercilessly at the weak points in Douglas's armor.[1] The result was a contest which stirred excitement in Illinois beyond anything hitherto known. To see such debaters matched brought enormous crowds together in sheer joy of sportsmanship. Brass-bands and cannon welcomed the candidates, processions by day and night kept enthusiasm from flagging, and scores of political orators besides the two protagonists took the stump in every congressional and legislative district.[2]

The debates showed from the start that although Douglas had voted with the Republicans against the

[1] Nicolay and Hay, *Lincoln*, II., 146.
[2] *Lincoln-Douglas Debates* (Columbus ed., 1860).

Lecompton constitution, there was no real ground of common principle between them. He attacked Lincoln, precisely as he would have done in 1854, with the charge that he was an abolitionist, a member of a sectional party whose success would imperil the Union. As to the existence of slavery in the territories, he declared himself absolutely indifferent so long as the principle of "popular sovereignty" were adhered to. "I will vote," he said, "for the admission of just such a state as by the form of their constitution the people show they want; if they want slavery, they shall have it; if they prohibit slavery, it shall be prohibited. They can form their institutions to suit themselves." [1] He spent a great deal of time insisting upon the natural inferiority of the negro, enlarged upon the necessity of "a white man's government," sneered at the Republicans as "amalgamationists," and in every way showed that he had not changed since 1854.

One of his principal grounds of attack upon Lincoln was a sentence used by the latter in his speech accepting the senatorial nomination. Lincoln had demonstrated the impossibility of ending the slavery agitation so long as slavery existed, and, quoting the Bible to the effect that "a house divided against itself cannot stand," had predicted that the Union could not exist permanently half slave or half free, but must become all one thing or all the other.[2]

[1] *Lincoln-Douglas Debates* (Columbus ed., 1860), 103.
[2] Lincoln, *Works*, I., 240.

This Douglas denounced as a virtual declaration of war upon the southern states, "revolutionary and destructive of the existence of this government," and "inviting a warfare between the north and the south to be carried on with ruthless vengeance until the one section or the other shall be driven to the wall and become the victim of the rapacity of the other." [1]

On his part, Lincoln was obliged to devote much time to defending himself from the charges of fanaticism and incendiarism levelled against him, and he showed by his replies that he was by no means radical in his anti-slavery views. But he showed also that the fundamental difference between himself and Douglas lay in the fact that he regarded slavery as wrong, while Douglas reiterated his entire indifference. Moreover, he made an unremitting effort to force Douglas to commit himself concerning the effect of the Dred Scott decision upon his doctrine of "popular sovereignty" in the territories. This put Douglas in a difficult position, for he could not reject Taney's opinion, nor could he afford to abandon the cherished dogma on behalf of which he had fought his fight against the Lecompton constitution. With characteristic adroitness he replied that undoubtedly the decision stood, and neither Congress nor a territory could expressly prohibit slavery in a territory, but that practically slavery could not exist unless supported by "local

[1] *Lincoln-Douglas Debates*, 70, 115.

police regulations." Hence, he concluded, a territory might effectually exclude slavery, in spite of the Dred Scott decision, by "unfriendly legislation." [1] This utterance of Douglas at Freeport, August 27, became known as his "Freeport doctrine," and showed that, regardless of law or logic, he was determined to adhere to his cherished pretension that the people of a territory could regulate their own affairs under all circumstances.

Lincoln is reported to have said that he was pushing the campaign for the purpose of killing Douglas as a presidential candidate. As it later appeared, he was successful in this aim, but in the immediate contest he was beaten. Aided by a somewhat favorable legislative apportionment, Douglas barely carried the day over Republicans and Lecompton Democrats, and secured a majority of both Senate and House of Representatives. It was a brilliant personal triumph, and made him the most prominent individual in the party and in the country. Instead of being crushed, he returned to the Senate with greater prestige than ever before, a prestige accentuated by the results of the elections in other northern states.

Everywhere the verdict of the voters upon the Lecompton administration was decisive. Outside of Illinois every state was carried by the opposition except Indiana, where the successful Democratic

[1] Lincoln, *Works*, I., 315.

candidate for governor was also a Douglas follower.[1] In Pennsylvania the hard times proved disastrous for Buchanan's own state, and the fusion, on the tariff issue, won a complete victory. "Pennsylvania may well be proud of the high position she has just assumed," said a local paper. "She has fully identified herself with the Republican cause of Popular Sovereignty, and at the same time has taken a bold and decided stand in favor of Home Mills, Home Manufactories and American Industry."[2] In the congressional elections the Republicans gained twenty-one seats. The northern Know-Nothing party now ceased to be of importance except in the states where its coalitions gave the Republicans a victory.[3]

As a result of the events of 1858, the Republican party stood forward stronger than before, undamaged by the Dred Scott decision and confident of victory in 1860. Its leaders everywhere were taking bolder ground than ever, and even Seward, who was never in advance of popular sentiment, took occasion to make a speech containing a passage parallel to the phrase of Lincoln which had been the object of Douglas's attack. After describing the struggle between north and south as one between free labor and slave labor, he concluded, "It is an irrepressible conflict between opposing and

[1] Foulke, *Morton*, I., 65.
[2] *Pa. Inquirer*, October 14, 1858.
[3] Scisco, *Political Nativism*, 231 et seq.

enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slave-holding nation or a free-labor nation." [1]

The result of Buchanan's Kansas policy was thus apparent. By his mismanagement he had presented his recently beaten enemy with a winning issue, had lost the cordial support of the Democrats in the north, and by his failure, after all, to retain Kansas as a slave state had damaged the prestige of his party at the south. No president has a record of more hopeless ill-success.

[1] Seward, *Works*, IV., 289.

CHAPTER XVII

THE IRREPRESSIBLE CONFLICT

(1858–1859)

AFTER the first session of the Thirty-fifth Congress there remained no concrete issue between the free states and the slave states. The existence of slavery in the annexations from France and Mexico, Kansas included, was legally permitted by the Utah and New Mexico acts of 1850 and the Kansas-Nebraska act of 1854, and was further sanctioned in these territories, and in those on the Pacific as well, by the doctrine laid down in the Dred Scott decision of 1857. On the other hand, slavery was practically excluded from all the territories then settled, except New Mexico, by the fact that they were actually occupied by settlers opposed to its introduction. In New Mexico the territorial legislature passed an act to protect slave property in 1859,[1] but it was well known that the nature of the country forbade any considerable influx. Whatever the legal rights of slave-owners, they would not take their property there.

To win a barren technical victory the south had suffered actual defeat. Only by further tropical

[1] Bancroft, *Arizona and New Mexico*, 683.

annexations could profitable slave territories be obtained; and this the invincible obstinacy of the north was sure to prevent. There was slight hope of another Mexican war. The conviction was borne in upon all thinking southerners that the destiny of the south was henceforth to remain stationary within the limits of the existing slave states, while the northwestern territories, continually filling up from the eastern states, were to add a succession of free states to increase the existing northern preponderance in Congress. The admission of Oregon in 1859 and Minnesota in 1858 was evidently but the beginning. Territorially, therefore, the south was even worse off than it had been in 1850.

The sectional problem now changed its form. No longer was it a contest for expansion which pitted north against south, but a direct struggle for control of the federal government. The fatal blunder of the Buchanan administration had delivered the north into the hands of the avowedly anti-slavery Republican party, whose success would mean at the very least the complete exclusion of southern men from influence and the systematic neglect of the interests of slave-holders, a situation intolerable to southern pride or prosperity. The only defence against Republican success in 1856 had been the strength of the Democratic party in the north, but now that strength seemed perilously shaken. At the crisis of the Kansas contest the defection of Douglas turned the scale against south-

ern desires and brought on an open rupture between Buchanan and the northern Democrats, which could be healed only by caution, wisdom, and coolness on the part of all concerned. From 1858 to 1860, then, the political interest of the country centred upon the situation in the Democratic party.[1]

The first steps towards reconciliation came from Douglas. Although flushed with triumph after his campaign in Illinois, he indulged in no reflections upon the administration, but travelled in the south, making conciliatory speeches at Memphis, New Orleans, and elsewhere.[2] His reception was cordial on the surface, but when he returned to Congress he found the majority still vindictive. In organizing the Senate, the Democratic caucus deposed him from the chairmanship of the committee on territories, yet he submitted in silence, determined to avoid a quarrel with the rest of his party, and hoping that by showing his "regularity" on other matters his action of the previous year might be allowed to fall into oblivion as the presidential contest drew nearer.

Buchanan's annual message reported the successful conclusion of a territorial difficulty into which the slavery question did not enter. The Mormon settlement, made in the Mexican territory in 1847, had been restless ever since its incorporation in the United States by the treaty of 1848, and had tried in vain to secure self-government by admission as

[1] Macy, *Political Parties*, 244, 258.
[2] Nicolay and Hay, *Lincoln*, II., 171–174.

a state of the Union. Only the designation of the spiritual leader of the Mormons, Brigham Young, as the territorial governor, served to allay their desire for independence. An attempt in 1857 to displace Young as governor of Utah brought on, therefore, something very like an insurrection, for the territory supported Young in refusing to submit. Federal judges and land-officers were promptly expelled from the region, and bands of "Danites" committed outrages upon non-Mormon residents.

In his message of December, 1857, Buchanan asked for no less than ten regiments of troops, with the purpose of using five to reassert federal authority in Utah. The Republicans, with the exception of Seward, strenuously opposed granting any new troops, on the ground that Buchanan could not be trusted not to employ them against the Free State party in Kansas, but they were unable to prevent the authorization of two volunteer regiments. As it turned out, Buchanan was able to collect enough regular troops to carry through his plans without enlisting the volunteers. In the spring of 1858 he issued a proclamation calling upon the Mormons to submit, sent a new governor, Cumming, over the mountains with a considerable military force, and was able to report to Congress that Young and the Mormons had ceased to resist.[1]

[1] Richardson, *Messages and Papers*, V., 454–456, 493, 503–506; Bancroft, *Hist. of the Pacific States*, XXI., chaps. xviii.–xxi.; *Senate Exec. Docs.*, 36 Cong., 11 Sess., No. 42.

The striking feature of this session of Congress was the revelation that, in spite of the settlement of the Kansas question, there was an irrepressible conflict between north and south, even in the Democratic party. In his annual message Buchanan once more reviewed the history of the Lecompton affair, throwing the blame for all trouble upon the Free State party, and concluding by saying, in reference to his support of the Lecompton constitution, "In the course of my long public life, I have never performed any official act which in the retrospect has afforded me more heartfelt satisfaction." [1]

This irreconcilable attitude on the part of Buchanan was a reflection in him of the stiffly sectional feelings of the leading southerners. When a Pacific railroad bill was under consideration and it proved impossible to get the two parts of the country to agree upon an eastern terminus, Iverson, of Georgia, explained his attitude on secessionist grounds. "I believe the time will come," he said, "when the Slave States will be compelled in vindication of their rights, interests and honor, to separate from the Free States and erect an independent confederacy. . . . I am unwilling to vote so much land and so much money to build a railroad to the Pacific, which, in my judgment, will be created outside of a Southern confederacy. What I demand, therefore, is that . . . the South shall have an equal chance to secure a road within her borders . . . to

[1] Richardson, *Messages and Papers*, V., 497.

belong to her when—if ever—the Union is dissolved." [1]

A homestead bill, to facilitate the settlement of western lands, passed the House but was shelved in the Senate, since the southern members regarded it with great disfavor as a sort of national Emigrant Aid Society.[2] In its place the Senate insisted on considering an appropriation of thirty millions for the purchase of Cuba, a project recommended by Buchanan in his message. It was well known that the Spanish Cortes had applauded vigorously when one of the ministry said, "Never will Spain abandon the smallest portion of its territories, and any proposition having that tendency will always be considered by the Government as an insult to the Spanish people." [3] Nevertheless, a belief was current that Spanish ministers would be accessible to bribery, and the Republicans charged that the thirty millions were to be used for a corrupt purchase, which the Democratic senators indignantly denied. The whole Cuban project seemed so chimerical to Republican senators that they left the debate mainly to advocates of annexation, among whom was Douglas, glad to stand with his old associates again.

The sectional antagonism flashed out when Toombs,

[1] *Cong. Globe*, 35 Cong., 2 Sess., 242, 244.

[2] Sanborn, "Political Aspects of Homestead Legislation," in *Am. Hist. Rev.*, VI., 297.

[3] Callahan, *Cuba and International Relations*, 308.

of Georgia, ridiculing the phrase "land for the landless," sneered at the homestead bill as a piece of demagogy. "Now, sir," shouted Wade, "I have been trying here for nearly a month to get a straightforward vote upon this great measure of land to the landless. . . . The question will be, shall we give niggers to the niggerless or lands to the landless? When you come to niggers for the niggerless, all other questions sink into insignificance. . . . Are you going to buy Cuba for land for the landless? What is there? You will find three-quarters of a million of niggers, but you will not find any land; not one foot, not an inch. . . . No man can fail to see that he who votes and prefers one to the other, has done it because his soul was steeped in the nigger bill." [1]

The event of greatest significance during the session, however, was a debate which took place between Douglas and the southern senators. On February 22, Hale, in his usual character of agitator, offered an amendment to the general appropriation bill repealing that section of the English bill which obliged Kansas to wait before applying for admission until its population equalled the federal ratio. The next day Breckinridge, the vice-president, hoping to prevent a recurrence of sectional debate, tried to hurry on a vote, but Senator A. G. Brown, of Mississippi, broke in with a direct attack upon Douglas. "I neither want to cheat nor be cheated," he said, "in the great contest that is to come

[1] *Cong. Globe*, 35 Cong., 2 Sess., 1354.

off in 1860. We shall claim for our slave property protection in the territories. . . . I give you warning now that if Kansas legislates in a spirit of hostility to slavery . . . a vast majority of the Southern people will come to Congress and will demand of you, in obedience to the written Constitution, . . . that you annul their legislation and substitute laws instead, giving adequate and sufficient protection to slave property. . . . I understand from the Senator from Illinois that when I make that appeal he will deny it. . . . I want in the next presidential election, that we shall know where we are, what we are and where we stand. If we agree let us stand together like honest men. If we disagree let us separate like honest men." [1]

Douglas, forced to break the silence in which, since the opening of the session, he had left his views on territorial slavery, replied with his customary vigor, restating his position regarding the power of a territory to regulate all property relations and denying the possibility of Congress furnishing the "adequate protection" for slaves which Brown demanded. "I would never vote for a slave code in the territories by Congress," he declared, "and I have yet to learn that there is a man in a free state of this Union, of any party, who would. . . . I tell you, gentlemen of the South, in all candor, I do not believe a Democratic candidate can ever carry one State of the North on the platform that it is the

[1] *Cong. Globe*, 35 Cong., 2 Sess., 1242.

duty of the federal government to force the people of a territory to have slavery when they do not want it." [1] There followed a sharp, defiant debate between Douglas and the other member from Mississippi, Jefferson Davis, who was fast coming to be regarded as the leading southern senator. In heated language Douglas reiterated his views, and Davis, in reply, warned him squarely that he could never receive the vote of Mississippi, since in the eyes of the south he "was as full of heresy as he once was of adherence to the doctrine of popular sovereignty, correctly construed," and his "Freeport doctrine" was "a thing offensive to every idea of the supremacy of the laws of the United States and destructive of every prospect to preserve peace." [2]

Thenceforward the country realized that, however ready Douglas was for a reconciliation, the southern leaders desired none; unless Douglas chose to surrender everything to which he pledged himself a hundred times and to withdraw from his presidential candidacy, a disruption between northern and southern Democrats was inevitable.

A striking feature of the debate was the new doctrine regarding the right of slave property to federal protection in the territories, which was set forth as the southern ultimatum. This was the answer to Douglas's Freeport doctrine, with its uncertain popular sovereignty. The slave-holders now saw that,

[1] *Cong. Globe*, 35 Cong., 2 Sess., 1244, 1246.
[2] *Ibid.*, 1257.

in spite of the Dred Scott decision, they had no real equality in Kansas or the territories farther north, and could not have it unless their slaves could enjoy the same protection in them that they had at home. Thus the Calhoun theory of 1847 was carried to a logical conclusion: Douglas's "popular sovereignty" was now in the eyes of southerners as much a denial of their rights as the Wilmot Proviso itself. To be sure, a policy of federal support of slavery in the territories could never pass the House of Representatives, three-fifths of whose members came from free states; but the demand was squarely and intentionally made.

The elections of 1859 were uneventful, for with no new issues, attention was turned towards the next presidential campaign, and in all parts of the country politics sank to a quietude not experienced for years. The exception was California, where the Lecompton affair led to a dramatic struggle with a tragic ending. The local Democratic party was controlled from the start by Senator Gwin, a pro-slavery man, and was so strongly "Hunker" and southern in its tendencies that Gwin had hopes of using it to detach the southern half of California as a slave state. Besides these pro-slavery Democrats, called in local political slang the "Chivalry," there appeared a new Democracy of the northern type, whose representative was David C. Broderick, who had somehow managed to rise to a position of leadership through methods learned in the school of New York City politics. Accepted as a colleague

by Gwin on sufferance only, he came eventually into open antagonism with him over questions of offices, and the difficulty culminated in a rupture when Broderick followed Douglas in the Lecompton contest. In a savagely contested election, the administration Democrats of California won by a large majority over the Broderick Democrats and the Republicans, and this was followed by a duel in which Broderick was killed by Judge Terry, of the Gwin party. The loss of their champion completed the ruin of the bolters, and California remained for the time in the hands of southern sympathizers.[1]

The results of the state elections showed the Republicans still in control in the north, while in the south the Democrats were weakened by a revival of the sometime Whig party sufficiently strong to gain a number of congressmen, besides holding Maryland and casting increased votes in other states.[2] The future of the Democratic party looked black. Douglas seemed openly defiant. He took occasion to express semi-anti-slavery sentiments when asked his opinion regarding the reopening of the slave-trade, and in September he nailed his colors to the mast by publishing in *Harper's Magazine* an elaborate defence of "popular sovereignty," with an attack on the new southern dogma.[3] At the

[1] Bancroft, *Hist. of Pacific States*, XVIII., chaps. xxiii., xxiv.; Hittell, *California*, III., chaps. i.–ix.

[2] Schmeckebier, *Know-Nothing Party in Maryland*, 99–101.

[3] *Harper's Magazine*, XIX., 519 (September, 1859).

CENTRAL AMERICA
AND
ISTHMIAN ROUTES
(1846 – 1860)
SCALE OF MILES
0 100 200 300 400 500
TEXAS
Mississippi R.
FLORIDA
GULF OF MEXICO
ATLANTIC OCEAN
Key West
BAHAMA ISLANDS
TROPIC OF CANCER
Havana
CUBA
CONTOY I.
MEXICO
HAYTI
SAN DOMINGO
PORTO RICO
JAMAICA
Isthmus of Tehuantepec
Belize (Brit.)
GUATEMALA
BAY ISLANDS
HONDURAS
CARIBBEAN SEA
PACIFIC OCEAN
SAN SALVADOR
TIGRE I.
NICARAGUA
MOSQUITO (Claimed by Gr. Brit.)
Bluefield
Rivas
Greytown (San Juan de Nicaragua)
CENTRAL AMERICA
COSTA RICA
Aspinwall
Isthmus of Chagres
Panama
NEW GRANADA
Longitude West from Greenwich
BORMAY ENG. CO., N.Y.

same time Davis took occasion to repeat his views with emphasis before the Democratic convention at Jackson, Mississippi.[1] Between these two men, who had worked with complete harmony to pass the Kansas-Nebraska bill, there was now no possibility of a common understanding. Neither could support the other without an entire sacrifice of principle and consistency, and each was spokesman for hundreds of thousands of voters.

During these months the Republican party was at rest from its efforts and the dangers of the preceding years. It no longer needed to concern itself to find an issue, for it rested on a fixed sentiment among the majority of northern people that slavery must henceforward be shut in its existing limits. The preoccupation of Republican leaders in 1859 was to strengthen the organization in order to win the election of 1860. Discussions of candidates replaced denunciations of Buchanan or the south, and at this time Seward, of New York—politician, leader in the largest state, and philosophical statesman—stood in the public eye as the acknowledged Republican spokesman. Radical at times in speech, but cautious in action, he was regarded at the north as the shrewdest party leader and in the south as the arch-abolitionist.[2]

By the autumn of 1859, then, the parts were assigned and the scenes ready for the great political

[1] *N. Y. Tribune*, August 31, 1859.
[2] Bancroft, *Seward*, I., 493.

drama to be enacted in 1860. The outcome was hidden from even the wisest at the time, and it lay with such men as Douglas, Davis, Toombs, Seward, and their followers to decide whether or not it should be secession. The time of preparation was at an end and the crisis was at hand.

CHAPTER XVIII

FOREIGN AFFAIRS DURING THE KANSAS CONTEST

(1855–1860)

FROM 1855 to 1860 the key to the diplomatic history of the country was the fact that the administrations of Pierce and Buchanan, whose chief desires were connected with a policy of southern expansion, were rendered almost powerless by the renewed sectional feeling of the north during the Kansas controversy.[1] The old opposition to extension of slave territory blazed into fresh flame, taking form in scores of speeches in Congress, in newspaper articles, and in party resolutions. The Republican platform of 1856 declared "that the highwayman's plea that might makes right embodied in the Ostend circular, . . . would bring shame and dishonor upon any government or people that gave it their sanction."[2] Hence, in view of this expressed antipathy of the north to extension of slave territory, a continuation of the policy begun

[1] For earlier stages of diplomacy, cf. above, chap. vi.; Garrison, *Westward Extension*, chaps. vii.–xii. (*Am. Nation*, XVII.).

[2] Stanwood, *Hist. of the Presidency*, 272.

by Marcy in regard to Cuba and Central America was out of the question.

Although the last years of Pierce's term were marked by a cessation of efforts for annexations, Marcy's conduct of foreign affairs continued to display a defiance of European powers, and a willingness to risk affronting Great Britain in minor matters. During the Crimean War, some recruiting agents, claiming to be authorized by Crampton, the British minister, showed an annoying activity in eastern cities. In spite of Marcy's vigorous protests, Lord Clarendon declined to admit the slightest laxity on the part of his representative; and the upshot was that in May, 1856, Pierce took the grave step of declining to hold any further diplomatic intercourse with Crampton. The evidence upon which Marcy and Pierce condemned Crampton was of a highly questionable character, and all that the facts seemed to show was some slight indiscretion on the British minister's part; but although the British press exhibited irritation, the British government took no steps to resent it other than to leave their country unrepresented until Buchanan was inaugurated.[1]

A similar independent attitude was shown by Marcy in attempting to conclude a series of treaties recognizing the principle of "free ships and free goods," and when these were apparently superseded

[1] *Senate Exec. Docs.*, 34 Cong., 1 Sess., No. 80; *British and For. State Papers*, XLVII., 358, XLVIII., 180.

by the Declaration of Paris, in 1856, he declined to commit the United States to that document, partly because it did not recognize the full exemption claimed for neutrals by the United States, and partly because it abolished the traditional American practice of privateering in war-time.[1] In the same years Marcy forced the Danish government to consent to abandon its ancient "Sound dues" and commute all claims by a money payment in a treaty concluded in 1857.[2] In these cases Marcy's conduct of the state department retained to the end its characteristic vigor, a quality which causes it to stand out prominently in the era between Polk and Lincoln.

The Central American question, meanwhile, became so complicated as to justify Marcy's reluctance to commit the United States to any responsibility in that quarter. As soon as it became manifest that the Pierce administration was likely to fall short of the desires of the cotton states for tropical annexation, the filibustering spirit reappeared, in a sudden and dramatic attempt to seize Nicaragua, the very country which controlled the proposed canal and the existing Transit Company. William Walker, a military adventurer with a previous record of unsuccessful filibustering against Mexico, joined in the chronic Nicaraguan civil wars with a handful of followers as an adherent of the "liberal" faction, and

[1] *Senate Exec. Docs.*, 34 Cong., 1 Sess., No. 104.
[2] *Ibid.*, No. 1; 35 Cong., 1 Sess., No. 28.

by force or trickery succeeded in making away with Corral, the "legitimate" leader, and establishing himself in control behind Rivas, a nominal president. For two years he remained the real dictator of Nicaragua, stirring up great sympathy in the southern states, where he was looked upon as "the gray-eyed man of destiny," a second Houston, and Nicaragua was regarded as another Texas.

Walker soon undermined his power by his severity and by a series of mistakes, the most serious of which was the confiscation of the charter and the steamers of the Accessory Transit Company, upon an outrageous pretext, for the benefit of two confederates. By this act he won the bitter enmity of the steamship company, headed by Cornelius Vanderbilt, which had been the means of bringing him supplies and reinforcements, and without which he was cut off from his supporters in the United States. Then he deposed Rivas, caused himself to be elected president in July, 1856, issued a decree opening Nicaragua to slavery, and invited American capital. His government was recognized at Washington, but by this time his behavior had set all the other Central American states against him; war soon broke out, and Walker found himself attacked by overwhelming numbers while cut off from reinforcements by the vengeful Transit Company. By the end of Pierce's term, after furious fighting, his forces were worn down, and in the spring of 1857 he was finally driven out, being taken from the city of Rivas,

where he surrendered, by an American man-of-war.[1]

The result of these events was the destruction of any influence possessed by the United States with the Central American states, whose leaders looked upon Walker as representing the sentiment of the American people. Marcy's diplomacy was deprived of all support from Central American sources, and was hindered by the uncertainty attending the outcome of Walker's schemes. All that was accomplished by Dallas, the successor of Buchanan at the court of St. James, was an agreement with Lord Clarendon (October, 1856) by which Great Britain undertook to limit Belize, withdraw from the Mosquito protectorate, and restore the Bay Islands to Honduras, provided Honduras agreed to a treaty guaranteeing to the Bay Islands a sort of self-government. This proposition was pending before the Senate at the end of Pierce's term, a lame conclusion to the strenuous beginning of Marcy's Central American diplomacy.[2]

When Buchanan assumed control of the government there could be no doubt as to the course which the Democratic party wished him to adopt. The party platform declared that "there are questions connected with the foreign policy of this country

[1] Scroggs, "Walker and the Steamship Co.," in *Am. Hist. Rev.*, X., 792; Bancroft, *Hist. of Pacific States*, III., chaps. xvi., xvii.; Hittell, *California*, III., bk. X., chaps. vi., vii.

[2] Travis, *Clayton-Bulwer Treaty*, 177; Keasbey, *Nicaragua Canal*, 250.

which are inferior to no domestic questions whatever," and announced its approval of Walker's attempt "to regenerate that portion of the continent which covers the passage across the inter-oceanic isthmus." The platform went so far as to advocate the control by the United States of the transit route, which "no power on earth should be suffered to impede," and declared for the maintenance of "our ascendency in the Gulf of Mexico." [1] Buchanan himself was part author of the Ostend Manifesto, and had a large majority of each House of Congress at his back. But Buchanan was not a president to venture any positive policy unless he felt a secure backing from the other departments of government. He was by this time an old man, whose entire record had been one of caution in action and of reluctance to incur responsibility. Heartily anxious to please the southern advocates of annexation, as he was to satisfy their desires in Kansas, he would have been glad to gratify their utmost hopes; but unless he could secure definite authorization in advance from Congress he would not take a step. No more radical action was to be expected from the secretary of state, Lewis Cass, once a belligerent Anglophobe, but now a man of seventy-five years, and, if Buchanan's later testimony be believed, grown helplessly inert and irresolute.[2] A more cautious pair of statesmen never undertook to deal with the

[1] Stanwood, *Hist. of the Presidency*, 268.
[2] Curtis, *Buchanan*, II., 379.

foreign affairs of a country on a radical platform.

The first annual message of Buchanan, December, 1857, stigmatized filibustering as "robbery and murder," and recommended that Congress take the matter in hand.[1] This was characteristic of Buchanan, to take strong ground in a public message and end by laying all responsibility upon Congress. At that very moment, Walker, still claiming to be president of Nicaragua, travelled in the south as a popular hero, raised a new expedition, and prepared to try his luck again on the isthmus. The Central American ministers sent heated protests, and Walker was compelled to give bonds for two thousand dollars to obey the laws; but, undisturbed by Buchanan's censure, he evaded federal collectors and attorneys and sailed to the San Juan River in November, 1857. Here his career was brought to a sudden halt, for before he could invade Nicaragua his force was taken prisoner by Commodore Paulding, of the United States navy, and brought back to the country they had left.[2]

A perfect hornet's-nest was raised about the ears of the unfortunate Paulding. He was denounced in the newspapers, pilloried in each House of Congress as guilty of high-handed outrage, and censured by Buchanan for exceeding his instructions and violat-

[1] Richardson, *Messages and Papers*, V., 448.

[2] *Senate Exec. Docs.*, 35 Cong., 1 Sess., Nos. 13, 63; *House Exec. Docs.*, 35 Cong., 1 Sess., No. 24; Richardson, *Messages and Papers*, V., 466.

ing the neutrality of a foreign country. But although Walker was instantly set at liberty, and, when tried for violating the neutrality laws, was promptly acquitted by a New Orleans jury, the result of Paulding's action proved decisive.[1] Nicaragua formally thanked the United States, disavowed a grant to a rival French canal scheme, and, with Costa Rica, revoked hostile decrees recently issued against the United States. Walker was not able to renew his filibustering until 1860, when he met his death in an expedition against Honduras, and by that time a settlement of the isthmian difficulty had been attained through diplomatic channels.

The Dallas-Clarendon treaty, which was pending when Buchanan assumed office, was amended by the Senate so as to eliminate any reference to the proposed treaty between Honduras and Great Britain, and left standing a simple recognition of the sovereignty of Honduras over the Bay Islands. This in turn was rejected by her majesty's government, and, after a fruitless attempt to renew the treaty in a form acceptable to both sides, affairs seemed to have come to a deadlock. A treaty with Nicaragua, made by Cass, which gave the United States the right to defend the canal route in case of war, while still guaranteeing its neutrality, failed to make the situation any clearer.[2] Buchanan then turned, as usual,

[1] *Senate Exec. Docs.*, 35 Cong., 2 Sess., No. 10.
[2] Travis, *Clayton-Bulwer Treaty*, 183.

to Congress, and in his first message intimated that an abrogation of the Clayton-Bulwer treaty would be the only solution.[1]

This threat spurred the British government to action. Lord Napier and Sir William Ouseley, at Washington, pointed out the embarrassments of returning to the condition of things in 1849, and urged arbitration of the true meaning of the treaty. They observed, also, that if the treaty were abrogated Great Britain would of course be left free to consult her own interests on the isthmus, a remark which had a calming effect upon Cass and Buchanan.[2] The idea of renewing the scramble of 1848–1850 was distinctly unwelcome to either of them, and so, although declining to arbitrate, they agreed to wait, provided Great Britain would seek to conclude treaties with the Central American states on the lines of the American contention.[3]

This plan was actually carried out, and between 1857 and 1860 Great Britain made conventions settling the boundaries of Belize, ceding the Bay Islands to Honduras and the Mosquito protectorate to Nicaragua, on condition of self-government for the ceded regions and an annual subvention, in default of which Great Britain could again intervene. Little as these treaties accorded with the adjustment which Clayton

[1] Travis, *Clayton-Bulwer Treaty*, 177–181; Richardson, *Messages and Papers*, V., 444.

[2] Clarendon to Ouseley, November 19, 1857, *British and For. State Papers*, XLVII., 729, 737.

[3] *British and For. State Papers*, XLVII., 701.

supposed he was making in 1850, or the claims put forward by Marcy, they were accepted and proclaimed by Buchanan as "a final settlement entirely satisfactory to this Government."[1]

Buchanan's habitual waiting upon Congress in matters of importance effectually prevented any resumption of Cuban diplomacy during his term. In his second annual message, December, 1858, Buchanan repeated, although in milder tones, the arguments of the Ostend Manifesto, not forgetting to refer to circumstances which might render the seizure of the island justifiable under "the law of self-preservation."[2] In response to his request for congressional support, a bill for the appropriation of thirty millions for the purchase of Cuba was introduced into the Senate, but it was never brought to a decisive vote.[3] Again, in his third message, December, 1859, Buchanan laid the matter before Congress, but without avail. The result was that no action whatever was taken regarding Cuba, in spite of the language of the Democratic platform. Even an attempt to settle the vexatious losses of American citizens at the hands of Cuban officials was blocked because the Senate refused to accept a convention with Spain on the ground of its inclusion of the Amistad claim.

Towards Mexico, where the Conservative or Cleri-

[1] Richardson, *Messages and Papers*, V., 639; Travis, *Clayton-Bulwer Treaty*, 201; Keasbey, *Nicaragua Canal*, 252–263.
[2] Richardson, *Messages and Papers*, V., 510.
[3] See p. 241, above.

cal party, in the course of chronic civil war, had been guilty of numerous outrages upon American citizens, Buchanan recommended the adoption of drastic measures. In 1858 he suggested that the United States assume a protectorate over the northern part of Mexico; and in 1859 he asked for authority to invade the country to restore order. Needless to say, such suggestions were entirely unwelcome to the northern members of Congress, and were ignored. The Senate would not even consider two treaties of 1859, by which the United States was to assume claims against Mexico in return for commercial concessions, and allowed the proposed agreements to die unnoticed.[1]

In one case only did Buchanan gain the backing he sought. In response to a recommendation in the message of 1857, Congress authorized an expedition to Paraguay, which sailed with nineteen vessels, forced an apology for an insult offered to the United States steamer *Water Witch* in 1855, gained a commercial treaty, and made an agreement for a commission to investigate an American claim for damages.[2] This success over the small and distant Paraguay was the only positive action in external affairs which even remotely carried out the spirit of the Democratic platform.

[1] Buchanan, *Buchanan's Administration*, 267–286; Wilson, "Buchanan's Proposed Intervention in Mexico," in *Am. Hist. Rev.*, V., 686.

[2] Moore, *Arbitrations*, 1485; Buchanan, *Buchanan's Administration*, 264.

In the far east the United States secured diplomatic victories during Buchanan's term, but only by the ordinary methods of negotiation, directed with caution and shrewdness. In China the Cushing treaty of 1845 had not proved wholly adequate, and a succession of American ministers had worn out their patience trying to secure a new commercial treaty with a Chinese government whose foreign minister refused even an interview. When, in 1856–1858, England and France became involved in war with China, and their vessels bombarded the Barrier forts, the United States managed to profit by the circumstances. Cass declined participation in the allied attack, but Reed, the American minister, steering his own course, succeeded in securing a treaty of commerce in June, 1858, which was solemnly ratified the next year.[1] At the same time, additional privileges were gained from Japan by treaties concluded in 1857 and 1859 through Townsend Harris.[2] As a result of these Oriental negotiations, our commercial relations were placed on a better footing than ever before, a worthy diplomatic success, gained without committing the country to any belligerent foreign policy.

In another quarter, also, a diplomatic success may be credited to Buchanan and Cass, although won in a field where little glory was to be reaped. In the

[1] Callahan, *Am. Relations in the Pacific*, 101–104; Foster, *Am. Diplomacy in the Orient*, 225.

[2] Griffis, *Harris*, 172–325; Nitobe, *U. S. and Japan*, 64–69.

years before 1860, there took place a sharp rise in the price of slaves, and, in consequence, the African slave-trade to Cuba and the United States increased surprisingly. The law was violated with impunity, and Buchanan's administration seemed unable or unwilling to prevent the traffic. But when British cruisers, in 1857 and 1858, searched suspected American vessels, not only off the coast of Africa, but even in the Gulf of Mexico, the administration roused itself and protested strenuously against this renewed claim to a right of search.[1] Secretary Toucey ordered United States men-of-war to proceed to Cuban waters to protect American vessels from "outrage," but the whole affair was ended with bewildering suddenness by the prompt admission of Lord Malmesbury to Dallas that the British government accepted entirely the principles laid down by Cass in his protests. This unexplained, voluntary concession of the point at issue was regarded by Cass and Buchanan as a great triumph.[2] It was followed by a long discussion over means of verifying the nationality of vessels so as to prevent abuse of the flag by slave-traders, but Cass adopted a negative attitude and nothing had been accomplished when Buchanan went out of office. The same was true regarding a disagreement which developed concerning the ownership of certain islands in Puget Sound which was left for a later administration to settle.

[1] *Senate Exec. Docs.*, 35 Cong., 1 Sess., No. 49.
[2] *Ibid.*, 2 Sess., No. 1, 34–41.

The diplomatic history of the decade 1850–1860 concluded with defeat for territorial expansion in almost every quarter. The opportunity for embarking the country upon an aggressive foreign policy, which seemed open at the beginning of Pierce's term, was lost when the Kansas-Nebraska act once more stirred up sectional antagonism. Cuba still remained under the Spanish yoke and American losses in the island remained unsettled. Mexico continued to seethe in her internal conflicts without intervention from her neighbor, but from the northeastern frontier to the Central American isthmus no further cause of controversy appeared. By luck or diplomatic skill, by violence or compromise, a settlement had been attained of every serious diplomatic controversy.

CHAPTER XIX

SOCIAL FERMENT IN THE NORTH

(1850–1860)

THE life of the people of the northern states, including under this term the border slave states, was not wholly concerned with politics and industrial activity, although profoundly influenced by them both. It had its own current, a mingled one, in which may be discerned two streams, one the continuation of the American intellectual and democratic renaissance which began after the second war with England, and the other a growth of new tendencies, arising from new social conditions and destined to alter the face of American society.

In many ways this decade may be regarded as the culmination of that outburst of national consciousness and self-assertion which transformed politics in the days of Andrew Jackson. Democracy now ruled unchallenged in public life and thought, the democracy, that is, of Jefferson and Jackson, which stopped short of including the negro, however much it emphasized the equality of the white man. By this time the states had completed the remodelling of their constitutions, and only a few serious changes

were left to the years after 1850. Nearly everywhere state offices, including the judiciary, had been made elective, terms had been shortened, qualifications other than manhood and residence abolished, and the final decision in matters of supreme importance in the public eye, such as the permission to charter banks or the extension of the suffrage, left to popular referendum.

In federal politics, state rights enjoyed supreme prestige, receiving the tribute not only of the south but of northern statesmen and political organizations. In Congress, adherence to a strict construction of the constitution was a commonplace of speeches on all subjects, and stood as the approved principle of deciding all public questions, at least in theory. By the judiciary, also, the doctrine of state rights was treated with respect and solemnity, and only a few individuals in any branch of the federal service ventured to employ the political conceptions of the Federalists or of the older generation of Whigs. The same Jacksonian democracy continued to appear in the attitude of the United States towards foreign countries, as illustrated in the bold words of Webster and Marcy and Huelsemann and in the circular on diplomatic costume.

By the year 1860, Jacksonism in politics had triumphed throughout the north and west. The Republican and Democratic organizations, which confronted each other, differed in no respect of machinery or control. Each was fully democratic

in structure and leadership, and relied upon the same appeal to the sentiments and interests of the masses which had carried Jackson to victory in 1828 and were now universal.[1]

The last stronghold of conservatism fell in the north when the Whig party collapsed under the excitement of the anti-Nebraska campaign, and the tumultuous, parvenu organization of the Know-Nothings arose on its ruins. The aristocracy of the "Cotton Whigs" remained excluded from politics, a class of cultured, conservative gentlemen who disliked slavery and were loath to see it extended, but who disliked radicalism, hard words, and bad manners still more, and were unable to overlook these qualities in the new anti-slavery organizations of the Know-Nothings or the Republicans. "I deplore the passage of the Nebraska act," said Robert C. Winthrop, of Massachusetts, "but I honestly believe that Northern rashness and violence have been the main instruments in accomplishing its worst results. . . . Anti-slavery agitation has introduced a strain of vituperation and defamation into our discussions which is perfectly unendurable"; and again: "I have an unchangeable conviction that intemperate anti-slavery agitation has been a source of a very large part of the troubles by which our country has been disturbed." [2]

In the world of thought the years between 1850

[1] Ostrogorski, *Political Organization*, II., 92–111.
[2] Winthrop, *Memoir of Robt. C. Winthrop*, 181, 189, 193.

and 1860 marked the flood-tide of the literary movement which began thirty years before. With the exception of Poe, who died in 1849, and Cooper, who died in 1851, nearly all the writers who first created American literature were at their prime. Within these years the New England poets produced some of their most enduring and popular works. Longfellow published the "Golden Legend," "Hiawatha," and "Miles Standish"; Whittier, although immersed in the anti-slavery cause, issued *Songs of Labor* and made a collection of his poetical works, as did Bryant, likewise an anti-slavery leader. In 1857 a new periodical, *The Atlantic Monthly*, was established as an especial representative for New England culture by Lowell, aided by Emerson, Holmes, and others; and soon the "Autocrat of the Breakfast-Table" was enlivening its pages, together with essays by Lowell, the editor, and poems and essays by Emerson. At the same time, Hawthorne reached the summit of his genius in the *Scarlet Letter* at one end of the decade and the *Marble Faun* at the other. Apart from these writers, but none the less a product of the period, stood two others: Thoreau, whose *Walden*, in 1854, was the last word of democratic individualism, and Whitman, whose *Leaves of Grass*, in 1855, carried the doctrine of democracy to the pitch of mysticism. Beside these older writers stood younger ones just coming into prominence—Bayard Taylor, George William Curtis, Mrs. Stowe, and a number of lesser

lights who seemed destined to be worthy successors in poetry or prose.

In other literary lines the same fertility of American genius appeared. Bancroft, in 1852, resumed, after a pause of twelve years, his *History of the United States*, Hildreth completed his *History of the United States* a little later, Prescott wrote his *Philip II.* and Irving his *Life of Washington* at the same time, and three new historians of great distinction appeared—Parkman, whose *Conspiracy of Pontiac* came out in 1851; Motley, whose *Dutch Republic* began in 1856; and Palfrey, whose *New England* was issued in 1858. Other writers entered the field of political economy—Bowen in 1856, and Bascom and Henry C. Carey in 1859; Lieber wrote his *Civil Liberty and Self-Government* in the earlier years of the period, and Woolsey his *International Law* in the later ones. In the regions of abstract thought, Wayland's *Elements of Intellectual Philosophy* appeared in 1854, and Bushnell's *Nature and the Supernatural* in 1858. In all fields of literary effort it seemed as though the flowering-time of American thought and scholarship had arrived. The reading public of the ante-bellum world, not distracted by any great flood of cheap, entertaining, ephemeral reading-matter, enjoyed a far purer intellectual life and were habituated to a more purely literary culture than was the case at a later time.

Side by side with the culmination of the literary renaissance of the first half of the century came the

full development of the intellectual restlessness which for a generation had been producing a succession of reform movements of numberless kinds. Revolutionary radicalism pervaded all fields, in religion, politics, and morals, making of the ten years before the Civil War an era of agitation scarcely paralleled before or since. Socialism of the earlier, communistic type was seen to be showing signs of weakness, and most of the Fourierist or similar experiments started in earlier years now broke down; but in its place came a new revolutionary socialism from Europe, founded by German immigrants. More characteristic of the period was the advocacy of absolute personal independence and freedom from any constraint in mind or body, by the individualist, who carried his logic of liberty to the point of complete anarchism—the "Come-outer," as he was generally styled in those days.

Probably the most aggressive reform movement at this time, and certainly the most conspicuous, was the agitation for women's rights, and especially woman suffrage, which filled the place in public esteem formerly held by the abolitionists. Numbers of devoted women, burning to emancipate their sex, undertook to begin by emancipating themselves, and while attempting to enter all sorts of callings—the law, the ministry, medicine—felt also obliged to manifest their personal freedom and rationalism in other less vital but still more conspicuous ways. Short hair and the "Bloomer costume," in the early

fifties, were adopted as signs of intellectual liberty by some, and brought upon the advocates of the movement an amount of popular ridicule and coarse abuse which no other action could have attracted. Such women as the Reverend Antoinette Brown, Dr. Lucy Stone, and Miss Susan B. Anthony were regarded by the conservative with no less horror than the irrepressible and eccentric Abby Kelly.[1]

There were not lacking men to enter the women's-rights movement with equal fervor, and these, with their coworkers of the other sex, labored incessantly by lecturing and by endeavoring to participate in all sorts of meetings where women were not usually in evidence, to emphasize their rights and demand equality. Some few aberrant members of this crusade adopted the doctrine of Free Love and proclaimed a sort of logical anarchism in the relations of the sexes, making a stir out of all proportion to their numbers. Great notoriety was gained by a convention at Rutland, Vermont, on June 25, 1858, in which all varieties of reformers took part—abolitionists, spiritualists, woman-suffragists, and the like—and certain speakers made a public advocacy of the abolition of the marriage tie as a bar to human progress and the equality of the sexes.[2]

Radicalism in religion was now actively advocated by a host of speakers, the most prominent of whom

[1] Harper, *Susan B. Anthony*, I., 57–205; Stanton, Anthony, Gage, *Hist. of Woman Suffrage*, I., chaps. vi.–viii., xiii., xiv.
[2] *N. Y. Tribune*, June 29, 1858.

was Theodore Parker, then at the height of his fame and influence in Boston, a man of passionate anti-slavery zeal and a genius for polemics of any kind. The craze for conventions, which made the life of the professional agitator a series of meetings with his fellow-reformers, showed itself in this field—for instance, in a convention held at Hartford, Connecticut, in June, 1858. The object of this meeting, "for the purpose of freely canvassing the origin, authority and influence of the Jewish and Christian Scriptures," appeared so blasphemous to the conservative that it was denounced by the press of the country as an abomination, and was mobbed by the students of a neighboring denominational college, results which served only to whet the zeal of the "Free thinkers," as they styled themselves.[1]

The natural tendency was for these various reforms to blend together, from the fact that those who were radically inclined in one direction were generally favorably disposed to reforms in all others. The woman-suffragist was likely to be an advocate of temperance, abolition, and free religion, so that when conservative people lumped the entire field of reform activity under the heading of "the isms," and spoke of the leaders as "the short-haired women and the long-haired men," there was a certain justification. Susan B. Anthony, for instance, devoted herself almost equally to temperance, anti-slavery, and women's rights; Garrison, in the *Liberator*,

[1] Garrisons, *Garrison*, III., 383.

while especially interested in abolition, sympathized warmly with every other reforming movement and was a leader in the woman's-rights field. There were, of course, many persons, especially in the west, whose anti-slavery action was not the result of iconoclastic radicalism, as was shown by the numerous "Christian Anti-Slavery Conventions" held in Ohio, Indiana, and elsewhere in 1850 and later, but the substantial unity of all reformers as radicals was the popular impression of the time.

Besides this ultra-individualistic and rationalistic free thought, there sprang up certain social movements arising from a mystical or superstitious craving. Millerism had had its day in the previous decade, but spiritualism, founded in 1848, rapidly grew to conspicuous proportions and seemed to be filling the place of a distinct religious sect. Its adherents, like all the other reformers, held conventions or conferences in numerous places, published spiritualistic papers, and claimed vaguely to number one or two millions of adherents.[1] The American reverence for congressional action was strikingly shown when, in 1854, the members of this sect presented a petition to the Senate, signed by fifteen thousand names, asking for the appointment of a commission to investigate the phenomena of "occult forces." Senator Shields, of Illinois, presented the memorial in a speech of some length, but in the debate which followed no senator proved so courageous as to de-

[1] Podmore, *Modern Spiritualism*, 303.

fend the cause of table-tipping and spirit-rapping, and after many humorous and some contemptuous comments, and a facetious attempt to refer the memorial to the committee on foreign affairs, it was allowed to drop. Spiritualism remained without the governmental sanction its adherents hoped to secure.

Practical philanthropy went hand-in-hand with radical agitation. It was in these years that the great work of Dorothea Dix, in securing the reorganization and proper construction of asylums for the insane, was carried through. It comprised one almost tragic disappointment; for when, in 1854, after years of effort, Miss Dix finally succeeded in getting through Congress a bill granting ten million acres of public lands for the purpose of aiding the states to care for their insane, President Pierce vetoed the gift as unconstitutional on grounds of strictest state-rights doctrine. Nevertheless, the results accomplished by Miss Dix's campaign were epoch-making in the history of public charity, especially in the south and west.[1]

All these reforming and radical movements, it should be said in conclusion, found their outlet not only in special publications, but on the lecture platform, an institution then in its prime. Over the new railways into all parts of the country travelled the foremost literary men and the most eloquent reformers of the time, spreading the gospel of intellectual enlightenment in all quarters. Such men as

[1] Tiffany, *Dorothea Dix*, 135–200, 307–330.

Holmes, Lowell, Emerson, and George William Curtis were active alongside of prominent clergymen like Henry Ward Beecher, temperance reformers, abolitionists, and whatever other speakers local "Lyceums" were ready to listen to. In this way the public, not yet absorbed in magazine reading, found its intellectual stimulus, and the national sentiment and new culture of the first half of the nineteenth century its expression.

Side by side with the culmination of the national expression in government, politics, and intellectual life, began the development of social habits due to the new industrialism of the decade—the railways, the telegraph, and the influx of California gold. The new business-man came on the stage, his whole nature concentrated in competitive production or distribution. He filled the cities, accompanied the railroads into all corners of the north, and turned into wealth-getting the keenness and vigor of an unexhausted race. Then, too, appeared the new figure of "Labor," of the man who expected always to live as wage-earner, and joined with his fellows to protect his interests. The first national unions of local labor organizations all date from this time, and the first great railway strike was that on the Erie road in 1857.[1]

Still another new social element strikingly apparent in this decade was that of the Irish and German immigrants who came to this country, trained in

[1] Ely, *Labor Movement*, 57–60.

no school of Jacksonian democracy, but bringing the traditions of a defiant and bitter revolutionary republicanism. The presence of large numbers of brawling, ignorant, clannish Irish, not long enough escaped from sordid poverty to have any conception of American ideals, made an indelible impression upon Americans at this time. Scarcely less unwelcome to the conservative was the spectacle-wearing, beer-drinking, Sunday-despising German peasant or petty townsman. The Know-Nothing movement sprang from a real sense of alarm and dislike felt by dwellers in city and country towards these alien arrivals. The literature and the periodicals of the fifties are filled with allusions to the Irish and Germans, betraying the mingled tolerance and aversion felt towards their habits. The types of the Irishman and the German, fixed in American humor and on the American stage, take their origin from these years. The Germans, however, brought with them a higher grade of education and culture, and from the start the more educated among them rose rapidly to positions of prominence in politics and society.

Now all these new types and social elements were cast into a rapidly changing world. The extension of railways and telegraphs to cover the north and penetrate the south introduced the factor of speed into business to a degree never experienced before. It became worth while to hurry when competition was possible, not only from near at hand but from a distance. Speculation offered glittering chances of

wealth, to be gained in a few years where formerly half a lifetime would have been inadequate. The California gold craze simply exaggerated the current conviction that the day had come when it was possible for any one to acquire riches quickly. The time was at hand when American society was to be transformed.

Already, in these years, observers noted the development of a pleasure-seeking class. The new wealth had to be spent, and the American world of the years before 1850 had not been called upon to create fashionable amusements.[1] Those who had leisure found no athletic, hunting, or rural traditions to fall back upon, except in the south, where, indeed, the newly rich were not so often found. Baseball, soon to be the national game, was scarcely heard of, and the first intercollegiate boat-races appeared only in 1852. Yachting was known in the harbors and along the coasts, but was not the sport of any large numbers. The winning of the Queen's Cup by the *America*, in 1851, marked an epoch in international racing, but it was not as yet the object of widespread interest. It was a continual comment of foreign observers and domestic critics that Americans did not know how to play or exercise, and in consequence were dyspeptic, physically weak, and nervously irritable.[2]

"Society" had to find diversion in dancing, eat-

[1] Rhodes, *United States*, III., 80.
[2] See evidence collected in *ibid.*, III., 66.

ing, drinking, smoking, the theatre and opera, and the national sport of horse-trotting, with its accompanying betting. Even the great "resorts" which appeared at this time—Newport, Saratoga, Sharon Springs—with their immense hotels, existed simply for the purpose, according to observers, of enabling people to herd together and drink, smoke, flirt, and dance the more easily.[1] Of course, this was at the same time arousing a genuine love for the beauties of wild nature, and the public which read Starr King's poetic descriptions of the White Hills, in 1859, was inspired by the same feelings which have since turned American society into the country and the wilderness every summer and autumn. Still, it was an era of bad taste in Europe in things social, and the influence of the court of Napoleon III. was stronger with American fashionable society than was the example of the staider court of Victoria and Albert.

It was a common observation that display and attempts at individual luxury preceded public comfort. The cities of the north grew greatly in size, but they continued to be poorly paved and lighted and ill-supplied with water. Street-cars, however, in this decade first began to replace the slow-moving omnibuses hitherto customary, and their growth was rapid.

The altered conditions of American life were reflected in the newspaper press of the country.

[1] Rhodes, *United States*, III., 75–82; Curtis, *Lotus-Eating*, 105–123, 166–176; *Harper's Mag.*, department called "Easy Chair," 1857, 1858.

Hitherto the chief reason for newspapers had been to direct political activity; but now this function was to a large degree superseded by the task of furnishing commercial information to business-men and farmers. Already the zeal for promptness and priority of news made possible by the railway and telegraph, and appreciated in a hurrying community, had been introduced into the newspaper world by Bennett and the *New York Herald*. Although the paper whose standing depended upon its news and its advertisements and not upon its editorial page was in existence, the term "news" had not yet been extended to include all discoverable local items, trivial as well as significant. That phase of journalism was still in the future.

The editorial page, however, still held an important place, particularly in an epoch of such political excitement, and the leading editors of the great city dailies and weeklies were men of a prominence and weight not enjoyed by their successors. Greeley, of the *Tribune;* Raymond, of the *Times;* Bryant, of the *Evening Post*, in New York; Bowles, of the *Springfield Republican;* Medill, of the *Chicago Tribune*, and their fellows, made the ante-bellum press a real power in the political world. The Washington correspondent, also, held a position of greater influence then than later, notably such men as Pike, of the *Tribune*, and Simonton, of the *Times*.[1] Among these journalists the most influential, without doubt,

[1] Hudson, *Journalism*, 431, 540, 618.

was Greeley. Eccentric in person, a curious compound of shrewdness and vanity in temperament, he was gifted with a power of expression in terse, vivid English, marked by a downright earnestness of anti-slavery feeling which made his editorials and letters more popular than the utterances of any other single man. The *Tribune* was the political Bible of anti-slavery Whigs, and, later, of Republicans throughout New York and the middle west.

A striking result of the greater intensity of the new industrial life, together with the lack of physical health, was the growth of excitability in the Americans of the time. Waves of popular frenzy were no new thing, for they had been known since the Stamp Act, but at no time were they so prevalent as in these years, and they were now accompanied by popular crazes of a non-political character to an extent which filled conservative people with bewilderment. In 1850–1855 the temperance movement swept the country in the Maine-law agitation; then came the anti-Nebraska fever, followed by the Know-Nothing riots and excitement, the Kansas crusade, and the Lecompton struggle, each of which rose, raged, and declined from exhaustion. In 1857 the financial panic swept like a fire across the land, and it was followed in 1858 by a wide-spread religious revival, the last one to arouse all sections of the north.

Hitherto unknown manifestations of excitement were called forth by the visits of interesting foreigners in these years, notably by Jenny Lind, in 1850,

and Kossuth, in 1852. These did not rest ultimately upon any especial musical susceptibility in Americans nor on any absorbing sympathy with Hungary, but on the love of being excited, of uniting with one's neighbors in experiencing a thrill in a fashion later commonly termed hysterical. Ampère, who saw the Kossuth excitement, remarked: "Je vois que dans cette ivresse, entrait pour beaucoup ce besoin d'excitation, de manifestations bruyantes, qui est le seul amusement vif de la multitude dans un pays ou l'on ne s'amuse guère. Ce vacarme est sans conséquence et sans danger." [1]

These years were times of ferment—with the continued radicalism of the past, the flowering of the literary genius of the land, the sweep of popular crazes, and above and around all the zest and fascination of the new industrial and agricultural outlook. In spite of the Kansas question, the slavery problem was not the only nor even the most important subject in popular interest, except for brief periods; and it was never regarded at any time as anything but an unpleasant interruption except by the professed agitators. Nevertheless, in these years the attitude of the northern people towards the south underwent a distinct change. In 1850 the great majority of voters were not ready to let their dislike of slavery draw them into any permanent antagonism towards the south, and they were eager to welcome any fair compromise. But by 1860 the re-

[1] Ampère, *Promenade en Amérique*, II., 53.

peal of the Missouri Compromise, the Kansas struggle, and the controversy over the Lecompton constitution had stirred up a deep sectional feeling, based on anger at what was considered the perfidy and aggressiveness of the south in seeking to establish slavery in free territory.[1]

This irritation had now hardened into a fixed purpose to force slavery to remain in the regions which it already occupied, and to eliminate pro-slavery men from their control of the central government. This feeling, it is clear, could not be considered aggressive, for the idea of interfering with slavery in the southern states was hardly entertained. It was rather defensive and sectional, directed against the encroachments of the "slave power," or, as it was frequently called, the "slaveocracy." The current northern feeling was that unless the south were checked it would insist on protection to its slaves, not only in the territories, but in the free states. It was widely, although erroneously, believed that Toombs had boasted that he would live to call the roll of his slaves at the foot of Bunker Hill monument, and the Dred Scott decision was looked upon as a step in the process of making slavery national.

The people of the north did not like the slaveholders, did not understand them, and had no desire to do so. The peculiarities of the southern code of manners created a belief that they were a race of

[1] For earlier phases of this subject, see Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chaps. xvi.–xix., xxi.

faithless, blustering, cruel slave-drivers; and the figure of a Henry Clay, once popular at the north, was hidden behind that of a "Border Ruffian." An influence of incalculable effect in establishing this opinion of slavery and slave-owners was the novel of *Uncle Tom's Cabin*. Published in 1852, it achieved an unparalleled success from the start, edition after edition being absorbed by a public gone wild over the humor and the tragedy of the work. Although based in every detail upon facts, it was not, as enraged southerners kept insisting, a fair representation of the slave system; but it was not intended so to be. It showed in literary guise the possibilities of horror and tragedy rooted in the institution, and it fixed in the north, as no other one influence did, the popular ideal of slavery. In her astonishment at the popular enthusiasm, Mrs. Stowe wrote: "The success of what I have written has been so singular and so unexpected . . . that I scarce retain a self-consciousness and am constrained to look upon it all as the work of a Higher Power, who when he pleases, can accomplish his results by the feeblest instruments." [1]

By 1860 the institution of slavery had few defenders at the north, and some of the foremost Republicans, such as Lincoln and Seward, did not hesitate to express sentiments which a few years earlier would have been regarded as ultra-radical. Undoubtedly thousands now agreed with them that

[1] Stowe, *Stowe*, 166.

the contest with slavery was an irreconcilable one, and must end eventually with its extinction; but the actual, technical abolitionists still remained few. The small group led by Garrison, Phillips, and others had taken the form of a sect, united by a creed and judging all others by their beliefs. This creed was a complete logical structure whose fundamental assumption was that slavery was a sin, and that the duty of every man was to do his utmost to destroy it. The feature upon which the abolitionists laid great weight, was getting rid of personal responsibility. "Our duty is first personal, in regard to ourselves," wrote Garrison. "We are to see to it that we make no truce with slavery either directly or by implication, . . . that our hands are clean and our consciences without condemnation." [1] This was done by bearing witness against it, refusing to obey any laws recognizing it, rejecting the authority of the federal government which recognized it, refusing fellowship with any slave-holder or any person who upheld slavery, and by advocating the separation of the free from the slave states.

The programme of the ultra-abolitionists was without any relation to actual events, and could not, in the nature of things, attract ordinary people, hence they remained few in number, taking consolation, as every small sect must do, in a certain complacency over their own doings. Throughout the years 1850-

[1] Garrisons, *Garrison*, III., 444; cf. Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xii.

1860 Garrison continued to criticise the course of public affairs, mercilessly applying his standards of unbending abolitionism to every man and giving scant sympathy to even those hotly engaged on the northern side in the slavery controversy so long as they did not act from purely anti-slavery motives. The distrust which Chase felt towards Douglas, when he found him opposing the Lecompton constitution, Garrison and Phillips applied to Chase himself. Yet, although this attitude of unyielding radicalism did not win converts, the abolitionists did exercise a very great indirect influence, since their steady repetition of their one idea kept it before the public, and even their extravagances—such as the public burning of the Constitution by Garrison, in 1854—served to force home their detestation of the slave system and of the men who maintained it. Their idealization of the negro, whom they held to be equal in all respects to the white man, found little sympathy in the north, but their hatred of the slave-owner struck a responsive note, and from their denunciations of the slave system undoubtedly grew the popular idea of slavery as always and everywhere monstrous and disgusting.

The altered feelings of the north on the subject of "southern aggressions" showed themselves not only in the formation of the Republican party, but in numerous other ways equally exasperating to the south, as they were intended to be. The fugitive-slave law, at first reluctantly accepted, was later the

object of continual attack and obstruction from the northern people, moved partly by sympathy for the fugitives, but equally by a desire to thwart the pursuers. The Underground Railroad continued its activity with increased popular sympathy and assistance.[1] Rescues or attempted rescues of slaves were numerous, among the most famous being the attack on a federal court-house, in May, 1854, by a Boston mob, in a vain attempt to free Anthony Burns, an arrested fugitive. The return of this prisoner was carried out under protection of state and federal troops, in the presence of a groaning, hissing crowd, and in later years every Massachusetts agent in the rendition was relentlessly hunted from political life. In Wisconsin, the same year, occurred the Booth case, which has already been referred to,[2] and in 1858 the so-called Oberlin-Wellington rescue, where a crowd of northern Ohio men, including a professor and students from Oberlin College, rescued a fugitive and were tried under the provisions of the act of 1850, until the vigorous interposition of the state authorities forced the federal government to drop the prosecution.[3]

In a still more aggravated form, this determination to block the law in every way led to the enactment, by many states, of so-called "Personal Liberty

[1] Siebert, *Underground Railroad*, 318–320, 342.
[2] See above, chap. xiv.
[3] Siebert, *Underground Railroad*, 327–336, App. B; McDougal, *Fugitive Slaves*, 43–52, 124–128.

Laws." These statutes, most of which were passed after the Know-Nothing and Republican parties gained control, prohibited the use of jails to confine fugitives, forbade state judges or other officers to aid in their capture, authorized the issue of writs of *habeas corpus* in case of arrests of alleged fugitives, provided for a jury trial, sometimes ordered state attorneys to act as counsel for fugitives, and imposed heavy fines and imprisonment upon any person kidnapping a free man.[1] These laws certainly came near to nullifying the United States Constitution, and their moral effect at the south was tremendous. They showed, as nothing else could, to what an extent sectional feeling had progressed, and announced to the south that the fugitive-slave law could be executed only over the opposition of the northern people.

By 1860, therefore, the north, busily occupied with industrial expansion of all kinds, with reforms and with intellectual ferments, was growing all the time more and more conscious of its hostility towards the south and of its own strength to render that hostility effective.

[1] Johnston, "Personal Liberty Laws," in Lalor, *Cyclopedia*, III., 162; McDougal, *Fugitive Slaves*, 67–70; Parker, *Personal Liberty Laws*, 3–51; cf. Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xix.

CHAPTER XX

SECTIONALISM IN THE SOUTH
(1850–1860)

IN the years immediately preceding the Civil War, the characteristic civilization of the southern states reached its culmination, making of the slave-holding area a region with most of the features of a separate national consciousness, a community little affected by the industrial, intellectual, and emotional influences which were transforming the north.

The economic basis of southern society was now the culture of cotton, and, to a less degree, of corn, rice, and sugar, commodities which could be produced with profit by slave labor. The railway expansion of the south was mainly subsidiary to the agricultural industry, carrying cotton to the ports of export, and also bringing from the north those manufactured articles which the south was as unable to produce in 1860 as in the previous century. "Whence come your axes, hoes, scythes?" asked Orr, of South Carolina. "Yes, even your plows, harrows, rakes, ax and auger handles? Your furniture, car-

pets, calicos, and muslins? The cradle that rocks your infant to sweet slumbers—the top your boy spins—the doll your little girl caresses—the clothes your children wear—the books from which they are educated . . . all are imported into South Carolina." [1]

With negroes as a large part of the real capital of the south, and the plantation as the normal form of investment, the social and economic structure of the slave states was almost impervious to the forces which were beginning to prevail in the north. The planter aristocracy remained at the top of the scale, its numbers small in comparison with the total population. In 1860 it was estimated that there were only 384,753 slave-holding individuals, and of these less than one-half had more than five slaves and less than one-tenth as many as twenty.[2] Capital tended as always to concentrate in few hands. Associated with these were the professional classes and the financial element, which, although far less important than the similar class at the north, played an active part in the southern economy. Below these came the body of southern whites, some of whom were engaged in the relatively few railways, steamers, mills, and factories of the south, but most of whom were small farmers with a status shading off into that of the steady accompaniment of slavery, the "poor white trash." But few of the slave states received any of the flood of German and Irish immi-

[1] *Charleston Courier*, April 18, 1855.
[2] Ingle, *Southern Side-Lights*, 362.

gration, since the lack of opportunity for free labor kept all such out of the cotton belt.[1]

Nothing had taken place since the eighteenth century to alter the ideals of the southerners, except the fact that in the interior and Gulf states the aristocracy of family was replaced by a more flexible aristocracy of wealth.[2] Although many large slave-owners were of humble origin, there yet existed within the planter class a sort of democratic fellowship, interrupted only by a few conservatives of the type of the Virginian who observed that "Whigs knew each other by the instincts of gentlemen."[3]

Social and political leadership rarely passed from the hands of this upper class. A career like that of Andrew Johnson, who, from being an illiterate tailor, rose to be twice elected governor of Tennessee and later senator, was altogether exceptional; and such a book as Helper's *Impending Crisis* was an anomaly.[4] Helper's thesis was that slavery depressed the poor whites and enabled the slave-owners to profit at their expense; but whatever his hopes may have been of turning the non-slave-holding whites against the planter capitalists, he could not arouse them. Politics were an affair of leaders, who, when they differed, appealed to the voters, but did not constitute a class of office-brokers or machine organizers.

[1] For details, cf. Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. v.

[2] Brown, *Lower South*, 45.

[3] Wise, *End of an Era*, 58.

[4] Helper, *Impending Crisis*, 123–132, 149–154.

The southern gentleman, in the years just before the war, stood as the product of an aristocratic society, a figure almost without a parallel at the north. No wealthy manufacturers, railway promoters, capitalists, or business-men challenged his supremacy, and the whole of southern society took its tone from this master. The ideals of the southern gentleman were simple, and to the northerner scarcely comprehensible.[1] His interests were few—cotton, negroes, family life, neighborhood affairs, and politics. Education, at one of the not very flourishing southern colleges or at one of the larger northern universities, was confined to a small number. The personal ideal of the southerner was usually expressed by the word "chivalry," a term comprising the virtues of gallantry towards women, courtesy to inferiors, hospitality and generosity towards friends, personal courage, and a sensitive "honor."

The code of the duel was still a sacred part of southern social standards, not usually defended in public, but practically exacted in private, and based upon ideals of "honor" not easily understood outside the society wh ch upheld them. Jennings Wise, for instance, the son of Governor Wise, of Virginia, a man of "unaffected piety, naturalness, sincerity, and gentleness, a lover of children and so amiable that he never had a personal quarrel," felt himself obliged, when editing the *Richmond Enquirer*, to force a duel upon any one who criticised his father.

[1] Ingle, *Southern Side-Lights*, 29–32, 39–46.

The result was no less than eight "hostile encounters" in two years, which the public regarded as "natural and manly, evincing chivalry of the highest order."[1] Sensitiveness to insult obliged the southerner to seek "satisfaction" of some kind; and when he encountered men who recognized no code, but answered him with equal harshness, he felt obliged to employ personal violence, as in the case of Brooks and Sumner. This affair was strictly in accord with southern standards, which approved instant vindication of injured "honor" by violence of any kind.[2] Murderous threats and shooting affrays, which struck a northerner with horror, were of everyday occurrence in many southern communities; and nothing stood more in the way of mutual comprehension. The refusal of the northerners to fight when challenged made the whole section appear to southerners as cowardly and ignoble, while the unrestrained anger and ready violence of the southerner impressed northern men as the brutality of a partly civilized bully. Yet the home life and domestic tenderness and courtesy of the same fiery southerners who fought duels and uttered threats were of a charm unimagined by their northern opponents, but proved by the testimony of innumerable witnesses.[3]

Upon such a society the intellectual upheaval of

[1] Wise, *End of an Era*, 90.

[2] Von Holst, *United States*, V., 331; Olmsted, int. to Gladstone, *Englishman in Kansas*, pp. xviii., xix.

[3] Trent, int. to Olmsted, *Seaboard States* (ed. of 1904), I., p. xxv.; Page, *Old South*, 143.

the time made little or no impression. The business hustle and hurry of the new industrial life faded away as one entered the land of cotton, and so did the other features of northern life of the decade. Orthodoxy in religion prevailed undisturbed at the south, and "isms" and reforms remained unknown there except when brought by such energetic invaders as Dorothea Dix, whose crusade for asylums for the insane stands almost alone in the south of that time. Spiritualism, communism, radicalism, all failed to grow in the south, and were almost as abhorrent to the planters as abolitionism itself. The crazes which swept the north stirred slight echoes there. Jenny Lind and Kossuth found less ecstatic hearers, the Maine law failed to convulse politics, and the Know-Nothing movement lacked spectacular features. Upon their superior sanity the southern journals often congratulated their readers in language not to be matched outside the Tory utterances of Europe. "In the North," said the *Richmond Enquirer*, "every village has its press and its lecture room, and each lecturer and editor, unchecked by a healthy public opinion, opens up for discussion all the received dogmas of faith. . . . The North fifty years ago was eminently conservative. Then it was well to send Southern youth to her colleges. She is now the land of infidelities and superstitions and is not to be trusted with the education of our sons and daughters."[1]

[1] *Richmond Enquirer*, January 1, 1856.

As a consequence, the south entered but feebly into the literary renaissance of the times, and in years when the New England school of writers was in its prime still struggled along with but the tenderest shoots of a local literature. Except William Gilmore Simms, whose prolific genius was still pouring out poems, romances, dramas, political articles, and miscellaneous productions, there was scarcely a southern writer known beyond a narrow circle. Southern magazines found it almost impossible to live, for the southern people were never great readers, and, when they subscribed to any periodical, commonly took *Putnam's*, *Harper's*, or the *North American Review*. Only the *Southern Literary Messenger* managed, with difficulty, to survive until the Civil War.

As the growing divergence between the sections progressed, indignation was often expressed at the dependence of the south upon "abolitionist" publications, and fervent appeals were made for the support of distinctly southern writers and periodicals. "So long as we use such works as Wayland's *Moral Science*," wrote one irritated southerner, "and the abolitionist geographies, readers, and histories, overrunning as they do with all sorts of slanders, caricatures and blood-thirsty sentiments, let us never complain of their use of that transitory romance [*Uncle Tom's Cabin*]. They seek to array our children by false ideas against the established ordinances of God." [1] But declamation and resolutions were fu-

[1] *De Bow's Review*, May, 1856, p. 661.

tile to create a literature, and the south continued to neglect its own authors and publishers.[1]

The only change brought by the years 1850–1860 to the southern states was an intensification of their sense of common interests and common ideals resulting from the incessant slavery controversy. That southern sectionalism which existed from the formation of the Union now developed into something approaching closely to a real national consciousness, evinced in innumerable ways; and the term "The South" was as familiar in congressional and other speeches as "The United States" or the name of any single state, and carried an equal political significance. One form assumed by this new self-consciousness was that of a sectional "patriotism" and exaltation at the expense of the antagonistic north. Over southern society, people, manners, intelligence, courage, religious life, scenery, natural resources, and future prospects flowed an unceasing current of praise. "We expect true refinement of mind in America," said one writer, "to be born and nurtured and to exist chiefly in the Southern portions of the Union. . . . The pride of the North is in her dollars and cents, her factories and her ships. . . . The pride of the South is in her sons, in their nobleness of soul, their true gentility, honor, and manliness. . . . Both

[1] Trent, *Simms*, 102, 128, 163; Trent, *Southern Writers*, 65; Page, *Old South*, 57; Miner, *The Southern Lit. Messenger; De Bow's Review*, XXIV., 173 (January, 1858).

have their gratification, the one in her dollars the other in her sons." [1]

Beneath all this self-assertion, however, existed a growing feeling of uneasiness which became strongly felt in this decade. Although De Bow, in his periodical devoted to southern economic and social interests, argued that the south was more prosperous than the north, and a chorus of writers and speakers echoed the comfortable belief,[2] the fact remained that the north was undeniably outstripping the south in numbers, industrial wealth, and political power. In the effort to arouse the community to a sense of its danger, and to discover remedies for southern backwardness, an interesting series of Southern Commercial Conventions was held, with annual sessions after 1852. These met in various cities, and debated such projects as a southern Pacific railroad and a direct southern steamship line to Europe, besides many other subjects of interest to planters. As the Kansas struggle progressed, these meetings reflected more and more the political passions of the time, until, by 1860, they became the debating-ground of southern radicals and conservatives, and the time of the sessions was taken up with the consideration of resolutions on the slave-trade and the slavery situation in general. In 1859 the radicals went so far as to carry through resolutions evidently intended to pave the

[1] *Southern Lit. Messenger*, XX., 295 (May, 1854).
[2] Cleveland, *Stephens*, 98.

way for the transformation of the Commercial Convention into a permanent body, with members elected by the people, capable of taking political action.[1] In a practical way these meetings accomplished nothing: something more than resolutions and fiery speeches was needed to enable the south to keep pace with the north.

The movement for southward expansion, already referred to,[2] was another result of the southern uneasiness over the growing preponderance of the north. The popularity of Walker, the filibuster, the demand for Cuba, and the attempts to aid Cuban insurrection, all were based on a feeling that only by an increase of territory suitable for slave economy could the south hold its own. "Would I perform my duty to God, to my country, to humanity and to civil freedom," asked Quitman, of Mississippi, "were I to refuse to devote a portion of my life to such a cause? . . . Our destiny is intertwined with that of Cuba. If slave institutions perish there they will perish here. . . . Our government can not or will not act. We must do it as individuals."[3]

Another scheme for aiding the south was the reopening of the slave-trade, an idea which rapidly gained favor in these years; for in no other way could the planters be relieved from the high price of slaves, the population of the south be increased,

[1] *De Bow's Review*, 1853–1859, especially June, 1858, and July, 1859.

[2] See above, 81, 87.

[3] Claiborne, *Quitman*, II., 207.

and the economic future be made certain. The agitation began after 1850, the advocates of the reopening of the trade taking high ground. A writer in *De Bow's Review* classed it "among those mysteries which, however repulsive to fastidious eyes, are yet, in the hands of God, the instruments of Man's progress." [1] The full argument was thus stated by E. A. Pollard, in 1857: "There are many minds among us firmly convinced that the Slave Trade is almost the only possible measure, the last resource to arrest the decline of the South in the Union. They see that it would develope resources which have slept for the great want of labor, that it would increase the area of cultivation in the South six times what it is now, that it would create a demand for land and raise its price, so as to compensate the planter for the depreciation of the slaves, that it would admit the poor white man to the advantages of our social system, that it would give him clearer interests in the country he loves now only from simple patriotism; that it would strengthen the peculiar institution; that it would strengthen our representation in Congress, and that it would revive and engender public spirit in the South." [2]

The demand was first made publicly by Governor Adams, of South Carolina, in 1856; and on various occasions committees of the South Carolina and Louisiana legislatures reported in favor of reopening

[1] *De Bow's Review*, December, 1854.
[2] *Charleston Mercury*, February 17, 1857.

the trade. In 1856 the project was brought before the Southern Commercial Convention and was defeated, 18 to 67; but three years later the vote changed to 49 to 19 in its favor. The subject was also brought up in Congress in 1859, although the south, as a whole, was not ready to seek such radical action. But the high prices of negroes and the eagerness of southerners for added slave labor led to a great growth of slave-smuggling in these years. Scores of slave-ships sailed from New York to the coast of Africa, and hundreds of negroes were landed in the southern states. The federal government was apathetic, and the laws seemed impossible of execution. In forty cases tried in the ten years preceding 1856, only one sentence was obtained, the southern juries almost uniformly refusing to convict. In 1859 the yacht *Wanderer* landed over three hundred negroes in Georgia, but in spite of the widespread knowledge of the affair no one was punished.[1]

The desire for the reopening of the slave-trade was part of a significant change which took place in southern sentiment in these years regarding the institution of slavery. For twenty years southerners had undergone the unremitting and merciless attacks of abolitionists upon the slave system, and upon themselves for not instantly abandoning it; and as time went on the chorus of censure steadily

[1] DuBois, *Slave-Trade*, 180 et seq.; Spears, *Slave-Trade*, 195 et seq.

increased, until it seemed to them as though the entire north was united in holding them guilty in the sight of God and man. Yet the two beliefs most deeply rooted in the mind of every southerner were, that he was an honorable, Christian gentleman, and that the slave system was absolutely necessary to his prosperity. Some positive answer was necessary to the abuse by the anti-slavery critics. It was not enough to retort with anger and contempt, for the European world stood committed to the northern side, and its opinion must be dealt with. Accordingly, in this decade there was developed a new political and social philosophy, supplanting all previous half defences and apologies, which boldly asserted that slavery was a positive good, the only sure basis for society, religion, and the family, while liberty was a danger to the human race.[1]

The new defenders of slavery swept away at the start the old, traditional doctrines of the Revolution, denied the natural equality of man or the existence of any natural right to liberty, and argued that only when two unequal races existed together, with the inferior in subjection to the superior, was true happiness possible to either and the highest civilization attainable by the superior race. To prove this they pointed to the miserable condition of the laboring classes in manufacturing countries, insisting with never-tiring emphasis that the slaves were infinite-

[1] Merriam, *American Political Theory*, 227–246; cf. Hart, *Slavery and Abolition* (Am. Nation, XVI.), chap. x.

ly better off. "Those countries," said one writer, "must retain their form of society and try to make the best of it. But we contend that ours is better. We assert that in all countries and at all times there must be a class of hewers of wood and drawers of water who must always of necessity be the substratum of society. We affirm that it is best for all that this class should be formed of a race upon whom God himself has placed a mark of physical and mental inferiority." [1] This doctrine had been elaborated before 1850, by Calhoun and others, but it now became the accepted creed of the defenders of slavery, proclaimed by clergymen, congressmen, and newspapers in the teeth of the Republicans.

On the actual condition of the slaves in the years 1850–1860, an opinion may safely be formed, for at no time was the institution subjected to more careful study. Travellers observed it continually, sometimes laudatory in their remarks, oftener the reverse; abolitionists amassed evidence of its atrocities, and defenders painted pictures of its idyllic sides. All other investigations were cast into the shade by the work of Frederick Law Olmsted, who published in this decade the results of extensive journeys undertaken by him in the slave states for the sake of seeing slavery as it was in the daily life of the people. Olmsted was no friendly critic of the "peculiar institution," and he acknowledged himself that his books were "too fault-finding"; but if allowance be

[1] *Southern Lit. Messenger*, XXXVII., 93 (July, 1858).

made for this personal element, the observations create such a picture of the slave-holding civilization as can be found nowhere else. The real economic failure under the apparent prosperity of slavery and the depressing effects of the system upon the whites were the lessons of the book. Gleaned from every sort of source, from planter, poor white, tavern loafer, slave, or free negro, the old south painted its own portrait in his pages.[1]

The feeling of the southern people towards the north grew in these years into its final form. Before the Kansas-Nebraska excitement it was customary for all but the extreme followers of Calhoun to believe that the abolitionists—by which was meant all who in any way attacked or criticised slavery—were in a small minority, and that the national feelings of the northern majority would maintain harmony. After the rise of the Republican party, it became the conviction of a majority of southerners that the north, as a whole, was fundamentally wrong in its view of southern institutions, and could not be relied upon to do justice. The self-defensive sentiment behind northern anti-slavery feeling was not grasped, and the course of politics since 1850 was regarded as an unprovoked series of aggressions upon southern rights and southern feelings. "We are arraigned day after day," said Davis in the Lecompton debate, "as the aggressive power. What southern senator, during this whole session, has attacked any portion

[1] Trent, in Olmsted, *Seaboard States* (ed. of 1904), I., p. xxxiii.

or any interest of the north? In what have we now, or ever, back to the earliest period of our history, sought to deprive the north of any advantage it possessed? . . . The whole charge is that we seek to extend our institutions into the common territory of the United States. . . . You have made it a political war. We are on the defensive. How far are you to push us?" [1]

Since, to the southern mind, slavery was right, common fairness required that it should have at least an equal share in the federal territories and that its supporters should not be proscribed; hence the Free Soil and Republican programme was wholly unjust and unfair. Further, the duty of returning fugitive slaves was part of the common Constitution, and the refusal to do so, whether expressed by mobs, by "personal liberty laws," or by mere inertness, was equally unpardonable. Still further—and here lay the chief ground of offence in the people of the north—the inhabitants of the free states were no more qualified to judge of the rightfulness of slavery than were the slave-holders themselves, and their persistent hostility to the "peculiar institution" was an affront to the "honor" of the entire south.

If northern injustice were to continue, there could be but one possible result — secession. Calhoun's spirit dominated southern thought after his death as it never had done during his lifetime; his *Disquisition on Government* was studied in southern colleges

[1] *Cong. Globe*, 35 Cong., 1 Sess., 619.

and became the political Bible of the younger men of the time, until the doctrine of the indivisible sovereignty of the separate states was an ingrained part of the southern creed.[1] If the states were sovereign, disunion would not be revolution, but a mere dissolution of partnership, and ought to involve no more trouble than making an equitable division of common property and common liabilities. No state, moreover, was bound to adhere to the partnership any longer than was profitable or honorable; and the other partners had no right whatever to object to its withdrawal, still less to prevent it.

By 1859 the time was close at hand, in the opinion of hundreds of thousands of southern men, when the partnership of north and south would cease to be of further mutual profit. The north could not be driven into a course of justice by reason, and compulsion through commercial boycott, although often discussed, was felt to be inadequate. Moreover, as the years went on the sense of social repulsion between southern aristocrats and northern "mechanics," existing since the foundation of the country, increased in bitterness until the planters of 1860 talked as if the "Yankee" were the incarnation of vulgarity and depravity. De Bow curtly defined "Yankees" as "that species of the human race who foster in their hearts, lying, hypocrisy, deceit and treason"; elsewhere he discovered the source of the

[1] Merriam, *Am. Political Theory*, 278–283; McLaughlin, in *Am. Hist. Rev.*, V., 484 (April, 1900).

social degeneracy of the north: "The basis, framework and controlling influence of Northern sentiment is Puritanism—the old Roundhead, rebel refuse of England which . . . has ever been an unruly sect of Pharisees, . . . the worst bigots on earth and the meanest of tyrants when they have the power to exercise it. They have never had the slightest conception of what constitutes true liberty and are incapable by nature of giving or receiving such." [1]

The undeniable ferment of the north in thought and in reform, taking, as it did, many extravagant, although harmless shapes, made the section appear in southern eyes reeking with irreligion, blasphemy, and radicalism. Southern defenders were forever drawing comparisons between the "poverty, crime, infidelity, anarchy and licentiousness of Free Society and the plenty, morality, conservatism, good order and universal Christian faith of Slave Society." [2] To the strictly orthodox southern planters, New England seemed a land of abomination, and abolitionists appeared bloody-minded fanatics, longing to cause negro insurrection, with massacre and unmentionable horrors.

So matters stood in 1859: mutual misunderstanding, mutual dislike and contempt; on one side a fixed purpose to exclude the other from control of the federal government; on the other an equally fixed purpose to secede if ousted. For years the

[1] *De Bow's Review*, August, 1857, July, 1858.
[2] *Richmond Enquirer*, December 7, 1855.

control had been kept in the hands of the south by a combination in the ranks of the Democratic party of northern conservatives with southern moderates; but now this coalition seemed to be shaken. Upon the outcome of the election of 1860 hung the decision; in the minds of most southern leaders the result was already determined. The Union must come to an end.

CHAPTER XXI

CRITICAL ESSAY ON AUTHORITIES

BIBLIOGRAPHICAL AIDS

THE most useful bibliography for this period is that in Edward Channing and Albert B. Hart, *Guide to American History* (1896), §§ 186, 189, 198–202, which, although lacking references to works published in the last ten years, is reasonably complete as regards the sources and the standard authorities. A less comprehensive list, annotated with critical comments, is found in J. N. Larned, *Literature of American History* (1902). Older and less complete, but still capable of use, is William E. Foster, *References to the History of Presidential Administrations* (1885). *The Cambridge Modern History*, VIII., *The United States* (1903), contains a select bibliography of the period; and the index volume of Hermann Von Holst, *Constitutional History of the United States*, VIII. (1892), contains a list of authorities which deals chiefly with the period after 1850. See also the Critical Essay on Authorities in the preceding and following volumes of this series, Garrison, *Westward Extension*, and Chadwick, *Causes of the Civil War*.

GENERAL SECONDARY WORKS

The secondary work which studies the events of the period before the Civil War in the greatest detail is Hermann E. Von Holst, *Constitutional History of the United States*, IV.–VI. (1885–1892). The author based his writings on a thorough study of the public documents and

other published material in the field, and displayed a consistently critical attitude towards the men and measures of the slavery controversy which renders his work of unique service. He was not, however, in sympathy with American political or social habits, judged overharshly, and was so strongly anti-slavery in predisposition as seriously to impair the value of his treatment of southern leaders. Less detailed in treatment, but far more successful in point of view of combined scholarship and impartiality, is James Ford Rhodes, *History of the United States from the Compromise of 1850* (7 vols., 1893–1906), which devotes parts of vols. I. to III. to this period and bids fair to be regarded as the standard account of these years. It needs, however, to be supplemented on the side of diplomatic and legal history. James Schouler, *History of the United States* (6 vols., 1880–1897), covers this period in the fifth volume, adequately as to facts, but in somewhat mechanical form and with a strongly northern spirit. The account by John W. Burgess, *The Middle Period* (1897), and *The Civil War and the Constitution* (2 vols., 1901), is concise, analytical, legalistic, and founded on a limited range of sources.

Other general works are frankly controversial, almost all of them written by northern partisans. Horace Greeley, *The American Conflict* (2 vols., 1864), gives a brief résumé, with extracts from documents; James G. Blaine, *Twenty Years of Congress* (2 vols., 1884–1886), comments on economic and political events. The full but ill-digested narrative in Henry Wilson, *Rise and Fall of the Slave Power* (3 vols., 1872–1877), has the value attaching to authorship by an active participant in the contests it describes. George Lunt, *The Origin of the Late War* (1866), describes events from the stand-point of the conservative Whig. On the southern side there is little of value; Alexander H. Stephens, *The War between the States* (2 vols., 1868–1870), and Jefferson Davis, *The Rise and Fall of the Confederate Government* (2 vols., 1881), slip over this field with little detail of discussion.

COLLECTIONS OF DOCUMENTS

The only general compilation of documents in this field is Michael W. Cluskey, *Political Text-Book* (1857), which contains a mass of miscellaneous material bearing on the political history of the country from 1850 to 1857. *The Whig Almanac* (annual vols., 1851 to 1855) and its continuation, *The Tribune Almanac* (annual vols., 1856 to 1861), contain much political information; and the *American Almanac* (annual vols., 1850 to 1861) has collections of federal and state statistics. Albert Bushnell Hart, *American History Told by Contemporaries* (4 vols., 1897–1901), contains extracts from a number of sources. William MacDonald, *Select Documents Illustrative of the History of the United States* (1898), comprises the most important public documents of these years. Among special collections containing documentary matter are two devoted to presidential papers—James D. Richardson, *Messages and Papers of the Presidents* (10 vols., 1896–1897), and Edwin Williams, *Statesman's Manual* (4 vols., 1858). John B. Moore, *International Arbitrations* (5 vols., 1896); Freeman Snow, *Treaties and Topics in American Diplomacy* (1894), and J. C. Bancroft Davis, editor, *Treaties and Conventions* (1871), contain material relating to foreign affairs. Charles F. Dunbar, *Extracts from the Laws . . . relating to Currency and Finance* (1891), and Frank W. Taussig, *State Papers and Speeches on the Tariff* (1892), include documents bearing on financial history. Ben Perley Poore, *Federal and State Constitutions* (2 vols., 1877), prints the state constitutions and amendments adopted in this period; and Edward Stanwood, *History of the Presidency* (1898), and Thomas V. Cooper and Hector T. Fenton, *American Politics* (1882), reprint party platforms and election statistics.

PUBLIC DOCUMENTS

The primary sources for most of the history of this period are the public documents of the United States. The

history of legislation and of party and public opinion, besides a good deal of information upon local politics and federal administration, are to be found in the *Congressional Globe*, from the thirty-first Congress, second session, to the thirty-fifth Congress, second session. The progress of federal finances, foreign affairs, military and administrative action is to be studied from the *House* and *Senate Journals*, *Executive Documents*, and *Miscellaneous Documents*, and in the *Reports of Committees* from the thirty-first to the thirty-sixth, or in some cases later, congresses. *The Statutes at Large of the United States* contain the laws of this period in vols. IX. to XI. (1851 to 1859), and the *United States Supreme Court Reports* (vols. 8 to 24, Howard), are indispensable for the judicial history. The *British and Foreign State Papers* (in vols. XXXVIII. to L., 1862 to 1867) contain much of the correspondence relating to controversies to which the United States was a party. In addition, important material is to be found in the documents of the various states, the *Legislative Journals*, the *Session Laws*, or *Acts* and *Resolves*, and the reports of state supreme court decisions.

CONTEMPORARY PERIODICALS

The magazines of the period contain some political material and are of value in exhibiting the social and intellectual life of the times. Among the northern periodicals, *Harper's New Monthly Magazine* runs through the period, as does the older *North American Review*. *Putnam's Magazine* began in 1853, and the *Atlantic Monthly* in 1857. *The American Whig Review* lived only to 1852, but the *Democratic Review* lasted until 1859. In the south, the *Southern Quarterly Review* did not survive 1856, but the *Southern Literary Messenger*, edited by William Gilmore Simms and containing the best products of southern pens, existed through the decade. Among economic periodicals, the *Bankers' Magazine*, of New York, and *Hunt's Merchants' Magazine*, of Philadelphia, furnish much information,

mainly about northern conditions, and *De Bow's Commercial Review*, of New Orleans, is especially valuable for the material it contains relating to the economic and political welfare of the south.

Among newspapers, all shades of political opinion are represented by numerous examples. The radical abolitionist point of view is exhibited in the *Liberator* and the *National Anti-Slavery Standard;* the Free Soil position by the *National Era.* Anti-slavery Whig and Republican sentiments are shown in the *New York Tribune*, the *New York Times*, the *Chicago Tribune*, the *Boston Advertiser*, and the official Whig organs in the west; the *Ohio State Journal*, *Indiana State Journal*, and the *Wisconsin State Journal.* An example of the Whig element in a border state is the *Baltimore American.* Anti-slavery Democrats at the north are represented by the *New York Evening Post* and the *Chicago Democrat;* the Hunker Democracy by the *Cleveland Plain Dealer* and the *Washington Union.* At the south, the *Charleston Mercury* and the *New Orleans Delta* represent the extreme pro-slavery wing, and the *Richmond Enquirer* a rather more moderate attitude. It is not possible to enumerate the journals which contribute information regarding the politics and life of the time. The use of the telegraph and the habit of copying freely from each other tended to make the more important papers of nearly equal value for news, the distinguishing feature being the presence or absence of editorial power.

WRITINGS OF PUBLIC MEN

The published works of statesmen and others who were active in this period include few by southerners. The leading ones are: *The Life, Correspondence, and Speeches of Henry Clay* (edited by Calvin Colton, 6 vols., 1857; reissued 1896); *The Works of Daniel Webster* (6 vols., 1851); *The Private Correspondence of Daniel Webster* (edited by Fletcher Webster, 1857); *The Writings and Speeches of Daniel Webster* ("national edition," by J. W. McIntyre, 18

vols., 1903); *The Works of William H. Seward* (edited by G. E. Baker, 5 vols., 1853–1884); *The Works of Charles Sumner* (15 vols., 1870–1883); *The Complete Works of Abraham Lincoln* (edited by John G. Nicolay and John Hay, 2 vols., 1904); *The Speeches, Lectures, and Letters of Wendell Phillips* (1863); *The Works of Rufus Choate* (edited by Samuel G. Brown, 2 vols., 1862); R. C. Winthrop, *Addresses and Speeches* (4 vols., 1852–1886); Edward Everett, *Orations and Speeches on Various Occasions* (4 vols., 1853–1868); *The Orations and Addresses of George William Curtis* (edited by Charles Eliot Norton, 2 vols., 1891); *The Speeches, Correspondence, etc., of Daniel S. Dickinson* (2 vols., 1867); and John A Dix, *Speeches and Occasional Addresses* (2 vols., 1864). The only writings of ultra-southern men of this period which have been published are, James H. Hammond, *Letters and Speeches* (1866), and Thomas L. Clingman, *Writings and Speeches* (1877). *The Lincoln-Douglas Debates* were published in 1860, and have been reissued in 1899. Rowland G. Hazard, *Economics and Politics* (1889), contains material bearing on political and financial life in this decade. A few collections of letters to and by public men have appeared: James S. Pike, *First Blows of the Civil War* (1879); Salmon P. Chase, *Diary and Correspondence* (American Historical Association, *Report*, 1902); and *Some Papers of Franklin Pierce* (*American Historical Review*, X., 97, 350).

AUTOBIOGRAPHIES AND REMINISCENCES

Few of the many volumes of reminiscences contribute to the knowledge of events in the political world, but their value is considerable on the social and personal side. Among the more important are the following, which treat of political doings at Washington: Horace Greeley, *Recollections of a Busy Life* (1868); Nathan Sargent, *Public Men and Events* (2 vols., 1875); J. W. Forney, *Anecdotes of Public Men* (2 vols., 1873, 1881); Ben Perley Poore, *Perley's Reminiscences* (1886); Thurlow Weed, *Autobiog-*

raphy (1884); Richard W. Thompson, *Recollections of Sixteen Presidents* (1894); James A. Hamilton, *Reminiscences* (1869). Two elaborate attempts at self-justification are James Buchanan, *Mr. Buchanan's Administration on the Eve of the Rebellion* (1866); and J. Madison Cutts, *A Brief Treatise upon Constitutional and Party Questions as Received Orally from the Late Stephen A. Douglas* (1866). Episodes in diplomatic history are touched upon by Samuel C. Goodrich, *Recollections of a Lifetime* (1856), and by Maunsell B. Field, *Memories of Many Men and Some Women* (1874). Western political life is set forth in John Sherman, *Recollections of Forty Years* (2 vols., 1895); George W. Julian, *Political Recollections* (1884); and Henry Villard, *Memoirs* (2 vols., 1904). Massachusetts politics appear in George S. Boutwell, *Reminiscences of Sixty Years* (2 vols., 1902), and Charles T. Congdon, *Reminiscences of a Journalist* (1880). Southern political life is illustrated by Benjamin F. Perry, *Reminiscences of Public Men* (1883); Henry S. Foote, *Casket of Reminiscences* (1874); Reuben Davis, *Recollections of Mississippi and the Mississippians* (1889); and Moncure D. Conway, *Autobiography* (2 vols., 1904). The views of representative anti-slavery leaders appear in James Freeman Clarke, *Anti-Slavery Days* (1883); Samuel J. May, *Recollections of the Anti-Slavery Conflict* (1869); Levi Coffin, *Reminiscences* (1880); and the *Life and Times of Frederick Douglass, Written by Himself* (revised ed., 1895).

BIOGRAPHIES

The lives of leading men are among the best secondary authorities for the period, although here, as in general, the southern literary representation is regrettably inferior. For the "Unionist," or conservative northern, stand-point there are three admirable biographies by George Ticknor Curtis —*James Buchanan* (2 vols., 1883), *Daniel Webster* (2 vols., 1870), and *Benjamin R. Curtis* (2 vols., 1879). Others representing the same tendency are: Andrew C. McLaughlin, *Lewis Cass* (1891); Samuel G. Brown, *Rufus Choate* (1870);

Robert C. Winthrop, Jr., *Memoir of Robert C. Winthrop* (1897); and George C. Gorham, *Life and Public Services of Edwin M. Stanton* (2 vols., 1899). Douglas still awaits an adequate biography, the best campaign life being James W. Sheahan, *Life of Stephen A. Douglas* (1860). The more important lives of Republican leaders are: Edward L. Pierce, *Memoir of Charles Sumner* (4 vols., 1877); Frederic Bancroft, *William H. Seward* (2 vols., 1900); Frederick W. Seward, *Seward at Washington* (1891); Moorfield Storey, *Charles Sumner* (1900); James W. Schuckers, *The Life and Public Services of Salmon P. Chase* (1874); Robert B. Warden, *The Private Life and Public Services of Salmon P. Chase* (1874); Albert Bushnell Hart, *Salmon Portland Chase* (1899); Charles E. Hamlin, *Life and Times of Hannibal Hamlin* (1899); George W. Julian, *Joshua R. Giddings* (1892); these covering the congressional history of the times. The course of state politics appears in George S. Merriam, *The Life and Times of Samuel Bowles* (2 vols., 1885); William D. Foulke, *Oliver P. Morton* (2 vols., 1899); Parke Godwin, *Life and Works of William Cullen Bryant* (6 vols., 1883); Charles Francis Adams, *Richard H. Dana* (2 vols., 1890); and the numerous lives of Lincoln, especially John T. Morse, *Abraham Lincoln* (2 vols., 1893); John G. Nicolay and John Hay, *Abraham Lincoln, a History* (10 vols., 1890); Isaac N. Arnold, *Life of Abraham Lincoln* (1885); Ward H. Lamon, *Life of Abraham Lincoln* (1872); Ida M. Tarbell, *The Life of Abraham Lincoln* (4 vols., 1900); and a dozen others of less merit. Among biographies of radicals the *Life of William Lloyd Garrison by His Children* (4 vols., 1889), stands pre-eminent for fulness and thoroughness in its presentation of the combative abolitionist leader, written in a spirit of unqualified filial eulogy, but based in nearly every point upon the words of the subject of the biography. Other works illustrating the reforming activities of the time are: Oliver Johnson, *Garrison and His Times* (1880); Octavius B. Frothingham, *Theodore Parker* (1874), and *Gerrit Smith* (1879); John Weiss, *Life and Correspondence of*

Theodore Parker (2 vols., 1864); James W. Chadwick, *Theodore Parker* (1901); Francis Tiffany, *Dorothea L. Dix* (1876); George L. Austin, *Life and Times of Wendell Phillips* (1888); Samuel T. Pickard, *John G. Whittier* (1894); J. Eliot Cabot, *Ralph Waldo Emerson* (2 vols., 1887); Lyman Abbott, *Henry Ward Beecher* (1903); William C. Beecher and Samuel Scoville, *Biography of Henry Ward Beecher* (1888); Edward Cary, *George William Curtis* (1894); Annie Field, *Life and Letters of Harriet Beecher Stowe* (1898); Charles E. Stowe, *Life of Harriet Beecher Stowe* (1889); Ida H. Harper, *Susan B. Anthony* (2 vols., 1899); and the lives of John Brown referred to below in the section dealing with Kansas.

On the southern side the lives of representative Union men are: Calvin Colton, *The Last Seven Years of the Life of Henry Clay* (1856); Mrs. M. Coleman, *The Life of John J. Crittenden* (2 vols., 1871); Carl Schurz, *Henry Clay* (2 vols., 1887); William Meigs, *The Life of Thomas Hart Benton* (1904); Alfred M. Williams, *Sam Houston and the War of Independence in Texas* (1893); James S. Jones, *Andrew Johnson* (1901); but no adequate life exists of John Bell, John M. Clayton, or any other of the southern Whigs. The radical southern leaders are represented by Barton H. Wise, *Henry A. Wise* (1899); Mrs. Varina J. Davis, *Jefferson Davis, a Memoir* (2 vols., 1890); Frank H. Alfriend, *Life of Jefferson Davis* (1868); Henry Cleveland, *Alexander H. Stephens in Public and Private* (1868); Richard M. Johnston and William H. Browne, *Life of Alexander H. Stephens* (1878); Pleasant A. Stovall, *Robert Toombs, Statesman, Speaker, Soldier, Sage* (1892); John W. DuBose, *The Life and Times of William Lowndes Yancey* (1892); Samuel Tyler, *Memoir of Roger B. Taney* (1872); Henry A. Wise, *Seven Decades of the Union, a Memoir of John Tyler* (1876); Lyon G. Tyler, *Letters and Times of the Tylers* (2 vols., 1885); Samuel Boykin, *Memorial Volume of Howell Cobb* (1870); Virginia Mason, *Public Life of James M. Mason* (1903); William P. Trent, *William Gilmore Simms* (1892); John F. H. Claiborne, *Life . . . of*

John A. Quitman (2 vols., 1860). Three volumes of brief essays upon political leaders deserve mention: John Savage, *Our Living Representative Men* (1860); David W. Bartlett, *Presidential Candidates* (1859); and William P. Trent, *Southern Statesmen of the Old Régime* (1897). Other biographies are referred to in connection with special fields of the period.

PARTY HISTORY

There is no general history of parties which treats fully of this period. Jesse Macy, *Political Parties, 1846–1860* (1900), is an analytical and suggestive study of party policies and relations, but it does not deal with details. Party methods are considered in a number of modern monographs, the most considerable of which are M. Ostrogorski, *Democracy and the Organization of Political Parties* (2 vols., 1902); Jesse Macy, *Party Organization and Party Machinery* (1904); Mary P. Follett, *The Speaker of the House of Representatives* (1896); Edward C. Mason, *The Veto Power* (*Harvard Historical Monographs*, 1890); Lucy Maynard Salmon, *The Appointing Power* (1886); and Carl R. Fish, *The Civil Service and the Patronage* (*Harvard Historical Studies*, 1905). Single parties are treated in a few contemporary accounts and a number of recent scientific monographs. Among the former, partisan in temper, are Robert M. Ormsby, *The Whig Party* (1859); John H. Lee, *Origin . . . of the American Party* (1855); Thomas R. Whitney, *A Defence of American Policy* (1856); James R. Hambleton, *The Political Campaign in Virginia in 1855* (1856). Among recent works, Louis D. Scisco, *Political Nativism in New York* (1901), is an exhaustive treatise, valuable for the entire history of the Know-Nothing movement. Other studies upon the same party are: Laurence F. Schmeckebier, *The Know-Nothing Party in Maryland* (1899); Charles Stickney, *Know-Nothingism in Rhode Island* (1894); and two studies of Massachusetts nativism by George H. Haynes—"A Know-Nothing Legislature," in American Historical Association, *Report*, 1896, and "The

Causes of Know-Nothing Success," in *American Historical Review*, III., 67 (October, 1897). The career of the Free Soil and Republican organizations appears in Theodore Clarke Smith, *The Liberty and Free Soil Parties in the Northwest* (*Harvard Historical Studies*, 1897); Norman D. Harris, *Negro Servitude in Illinois* (1901); a series of articles by Russell Errett in the *Magazine of Western History*, X. (1889); and Francis Curtis, *The Republican Party* (2 vols., 1904). A valuable study of the growth of corrupt municipal politics in New York City appears in Gustavus Myers, *The History of Tammany Hall* (1901).

LEGAL HISTORY

A full but drily technical study of the activity of the supreme court at this period is George W. Biddle, "Constitutional Development . . . as Influenced by . . . Taney," in Henry W. Rogers (and others), *The Constitutional History of the United States as Seen in the Development of American Law* (1889). A more readable account is Hampton L. Carson, *The Supreme Court of the United States* (2 vols., 1892). George Ticknor Curtis, *Constitutional History of the United States* (2 vols., 1896), has an important chapter upon the Dred Scott case in which the author took part, but it is published in the incomplete state in which it was left at the death of the writer. Of the numerous contemporary pamphlets upon the Dred Scott case, the two best known are Thomas Hart Benton, *Historical and Legal Examination of the Case of Dred Scott* (1857), and Horace Gray and John Lowell *A Legal Review of the Case of Dred Scott* (1857).

DIPLOMATIC HISTORY

The only general history of American diplomacy is John W. Foster, *A Century of American Diplomacy* (1900), which gives a brief but in the main correct survey of these years. The fisheries question is specially dealt with by John B. Henderson in *American Diplomatic Questions* (1901). The

slave-trade and the Danish Sound dues are covered by Eugene Schuyler, *American Diplomacy and the Furtherance of Commerce* (1886). On Cuban relations there are two monographs: James M. Callahan, *Cuba and International Relations* (1899), is an elaborate study of the Cuban question deprived of much of its usefulness to the reader by the complete omission of references; more valuable to the student and much more readable is John H. Latané, "The Diplomacy of the United States in Regard to Cuba," in American Historical Association, *Report*, 1897; with which is to be compared an article by Sidney Webster, entitled "Mr. Marcy, the Cuban Question, and the Ostend Manifesto," in *Political Science Quarterly*, VIII. (1893). On the complicated Central American question, the best account, thorough and impartial in spirit, is Ira D. Travis, *The Clayton-Bulwer Treaty* (1900). Briefer studies are in the volume of Henderson above referred to, and in John H. Latané, *The Diplomatic Relations of the United States and Spanish America* (1900). The work of Lindley M. Keasbey, *The Nicaragua Canal and the Monroe Doctrine* (1896), is disfigured by violent anti-British partisanship, and is to be used with caution. Thomas J. Lawrence, *Essays on Disputed Questions* (1884), discusses the Clayton-Bulwer treaty from a moderate British point of view. The career of William Walker, the filibuster, is treated in two general works, Hubert H. Bancroft, *California*, III., chaps. xvi., xvii. (1885), and Theodore H. Hittell, *California*, III. (1897). Contemporary accounts of more or less trustworthiness are William Walker, *The War in Nicaragua* (1860); William V. Wells, *Walker's Expedition to Nicaragua* (1856). Modern studies are James T. Roche, *The Story of the Filibusters* (1896), and especially William C. Scroggs, "Walker and the Steamship Company," in *American Historical Review*, X. (July, 1905). Akin to the foregoing is Howard L. Wilson, "Buchanan's Proposed Intervention in Mexico," in *American Historical Review*, V. (July, 1900). The dealings of the United States with China and Japan are summed up by James M. Callahan, in *American Rela-*

tions in the Pacific and the Far East (1901); and by John W. Foster, *American Diplomacy in the Orient* (1903). A fuller but still a compact account of Japanese diplomacy is Inazo O. Nitobe, *The Intercourse between the United States and Japan* (1891). Two biographies by William E. Griffis are also to be consulted in this field—*Commodore Matthew Calbraith Perry* (1887), and *Townsend Harris* (1895). The lives of two English statesmen who took part in diplomatic dealings contain a small amount of matter—T. Walrond, *Life and Letters of James, Eighth Earl of Elgin* (1872), and E. Ashley, *Life of Henry John Temple, Viscount Palmerston* (2 vols., 1876).

ECONOMIC HISTORY

There is no satisfactory general economic history for this period. Two compilations containing many facts in an unco-ordinated shape are *The First Century of the Republic* (1876), and *One Hundred Years of American Commerce*, edited under the name of Chauncey M. Depew (1895). Industrial history appears in two works: Albert S. Bolles, *The Industrial History of the United States* (1879), which is incomplete and marked by strong protectionist views; and John L. Bishop, *History of American Manufactures* (3 vols., 1861–1868), which is better, but not of the first rank. Of greater merit are certain special works: James D. B. DeBow, *The Industrial Resources of the Southern and Western States* (3 vols., 1852–1853); Benjamin F. French, *The History of the Iron Trade* (1858); and two modern monographs—James M. Swank, *Iron in all Ages* (second ed., 1892), and Matthew B. Hammond, *The Cotton Industry* (1897). The railway building of the period is described in John L. Ringwalt, *The American Transportation System* (1888), and by Fletcher W. Hewes, in *The American Railway* (1889). The political aspect of railway construction is well handled by John B. Sanborn, *Congressional Grants of Land in Aid of Railways* (1899), and by William A. Scott, *The Repudiation of State Debts* (1893). Two writers treat of the Ameri-

can shipping industry from diametrically opposite points of view: David A. Wells, *Our Merchant Marine* (1890), holding that the loss of the carrying-trade was due to over-protection; and William W. Bates, *The American Marine* (1897), maintaining that the trouble was due to insufficient governmental support. The efforts to lay the Atlantic cable of 1858 are described in Henry M. Field, *The History of the Atlantic Telegraph* (1869).

The finances of the period are admirably summarized in Davis R. Dewey, *The Financial History of the United States* (1903), a work notable for clearness, completeness, and coolness of judgment. Albert S. Bolles, *Financial History of the United States* (3 vols., 1879–1886), has greater merits than the *Industrial History*, but does not cover the entire field and is controversial in tone. David Kinley, *The Independent Treasury* (1893), is a scientific study of part of the governmental machinery. William G. Sumner, *Banking in all Nations* (4 vols., 1896), vol. I., has an elaborate history of state banking prior to the Civil War, and a briefer treatment of the same subject is in Horace White, *Money and Banking* (1896). There are three contemporary monographs upon the panic of 1857: David M. Evans, *The History of the Commercial Crisis* (1859); James S. Gibbons, *The Banks of New York . . and the Panic of* 1857 (1858); and Max Wirth, *Geschichte der Handelskrisen* (1858). By far the best recent treatment of the panic and its results is in Charles F. Dunbar, *Economic Essays* (edited by O. M. W. Sprague, 1904). The tariff is treated from opposite points of view by Frank W. Taussig, *Tariff History of the United States* (revised ed., 1898), which is critical in its attitude towards protection; and Edward Stanwood, *American Tariff Controversies* (2 vols., 1903), which is frankly written from the protectionist stand-point, but with attempts at impartiality. No full study of the movements of population in this decade has been made, but there is a brief reference to municipal development in Adna F. Weber, *The Growth of Cities in the Nineteenth Century* (1899). The principal sources for the economic history of the decade

are the volumes of the *Eighth Census of the United States* (4 vols., 1864–1866), the *House Executive Documents* and *Senate Executive Documents*, containing reports of secretaries of the treasury. The similar reports of state finances should not be overlooked.

THE SOUTH

The critical chapter of Albert Bushnell Hart, *Slavery and Abolition* (*American Nation*, XVI.), deals with the literature of this topic in detail. The nature of southern political life is well shown in Joseph Hodgson, *The Cradle of the Confederacy* (1876); Ulrich B. Phillips, "Georgia and State Rights," in the American Historical Association, *Report*, 1901; and James W. Garner, "The First Struggle over secession in Mississippi," in Mississippi Historical Society, *Publications*, IV., 91 (1901). A useful and temperate book upon the south as a section is Edward Ingle, *Southern Sidelights* (1896). The classic works upon southern economic and social conditions before the war are: Frederick Law Olmsted, *The Seaboard Slave States* (1856; a new ed., 1904), *A Journey through Texas* (1857), and *A Journey in the Back Country* (1860). A condensation of these was published under the title *The Cotton Kingdom* (2 vols., 1861). A contemporary southern view is David Christy, *Cotton is King* (1855). A modern study of slavery before the war is in Matthew B. Hammond, *The Cotton Industry* (1897); and the subject is also treated by George W. Williams, *The History of the Negro Race in America* (2 vols., 1883). Hinton R. Helper, *The Impending Crisis* (1857), is of historical interest as showing the beliefs of an anti-slavery southerner about slavery and its effects, but its temper is too polemic to permit of accuracy. John C. Hurd, *The Law of Freedom and Bondage* (2 vols., 1858–1862), is the most elaborate legal treatise upon slavery. William Goodell, *The American Slave Code* (1853), is a more anti-slavery presentation; and Thomas R. R. Cobb, *An Inquiry into the Law of Negro Slavery* (1858), gives a southern

point of view. The leading books in defence of slavery as a positive good are Albert T. Bledsoe, *Liberty and Slavery* (1856), William Harper, James H. Hammond, William G. Simms, and Thomas B. Dew, *The Pro-Slavery Argument* (1853); and, still more radical, the works of George Fitzhugh, *Sociology for the South* (1854), and *Cannibals All* (1857). These views are conveniently summarized and analyzed in Charles E. Merriam, *American Political Theories* (1903). The sharp revival of the slave-trade at this period is described in W. E. Burghardt DuBois, *The Suppression of the Slave-Trade* (*Harvard Historical Studies*, 1896), and in more popular style in James R. Spears, *The American Slave-Trade* (1900). The conditions of social life and sectional feeling in the south have been described in a large number of reminiscent works, nearly all tinged with rose-color, but useful as showing how the southern aristocracy regarded themselves. Some of the best of these are: John S. Wise, *The End of an Era* (1899); Thomas Nelson Page, *The Old South* (1892); Mrs. V. V. Clayton, *Black and White under the Old Régime* (1899); Mrs. Roger A. Pryor, *Reminiscences of Peace and War* (1904); Ada Sterling, *A Belle of the Fifties* (1904); and William M. Polk, *Leonidas Polk, Bishop and General* (2 vols., 1893).

STATE HISTORIES

A few of the state histories are of value for the political life of the times. Among the southern states, Louisiana is treated fully in Alcée Fortier, *The History of Louisiana* (4 vols., 1904). Others are Dudley G. Wooten, *A Comprehensive History of Texas* (2 vols., 1898); Robert Lowry and William H. McCardle, *History of Mississippi* (1893); Lucien Carr, *Missouri* (1888); Walter B. Davis and Daniel S. Durrie, *Illustrated History of Missouri* (1876); W. F. Switzler, *The Commonwealth of Missouri* (edited by Chauncey R. Barns, 1877); Isaac W. Avery, *History of the State of Georgia* (1881); C. G. Smith, *History of Georgia* (1900); John W. Moore, *History of North Carolina* (1880); Nathaniel

S. Shaler, *Kentucky* (1885). Among northern state histories the following contain political matter: Francis B. Lee, *New Jersey* (4 vols., 1902); Ellis H. Roberts, *New York* (2 vols., 1887); John Moses, *Illinois, Historical and Statistical* (2 vols., 1892); Charles R. Tuttle, *Illustrated History of Wisconsin* (1875); and Alexander M. Thompson, *Political History of Wisconsin* (1900). California has a voluminous literature, most of which is of purely local interest. The fullest and most authoritative histories of the state are Hubert Howe Bancroft, *California, History of the Pacific States*, XVII. (1888); Theodore H. Hittell, *California* (4 vols., 1885–1897); Franklin Tuthill, *History of California* (1866); and Josiah Royce, *California* (1886). For Utah and New Mexico the best summaries are in Hubert Howe Bancroft, *History of the Pacific States*, XII. and XXI. (1889).

KANSAS

The primary sources for Kansas history are to be found in the congressional documents and the territorial documents. Contemporary newspapers, especially those published in Kansas, are to be used with caution. Reminiscences are of doubtful value unless checked by the testimony of the documents. The Kansas Historical Society, *Transactions* (7 vols. published to 1902), contain many such, of all degrees of merit. Histories of Kansas are nearly all controversial in tone, for, although none has been written from the pro-slavery point of view, there was so much personal and factional antagonism among the members of the Free State party that recent works are all more or less tinged with their sentiments. The contemporary accounts are: Sara Robinson, *Kansas, its Exterior and Interior Life* (1856); William Phillips, *The Conquest of Kansas* (1856); Thomas H. Gladstone, *The Englishman in Kansas* (1857); and John H. Gihon, *Governor Geary and Kansas* (1857). Among later writers there is a sharp division between those who hold that John Brown and "Jim" Lane were chiefly effective in gaining the day for the Free State party, and

those who consider that peaceful and political means were more successful. The biographies of John Brown maintain the former view: Frank B. Sanborn, *Life and Letters of John Brown* (1885); James Redpath, *The Public Life of Captain John Brown* (1860); John Newton, *Captain John Brown* (1902); William E. Connelly, *John Brown* (1900); and, to a less degree, Daniel W. Wilder, *Annals of Kansas* (1875); John N. Holloway, *History of Kansas* (1868); and Charles R. Tuttle, *Centennial History of Kansas* (1876). On the other side, the leading works are: Eli Thayer, *The Kansas Crusade* (1889), which claims full credit for the Emigrant Aid Society, and is supported rather more moderately by William Lawrence, *The Life of Amos A. Lawrence* (1888); and two books upholding the claims of Robinson—Charles Robinson, *The Kansas Conflict* (1892; second ed., 1898), the work of the Free State leader himself; and Frank W. Blackmar, *The Life of Charles Robinson* (1902). George W. Brown, a participant, writes three controversial works — *Reminiscences of Old John Brown* (1880), *False Claims of Kansas Historians Truthfully Corrected* (1902), and *Reminiscences of Governor R. J. Walker* (1902). Leverett W. Spring, *Kansas, the Prelude to the War for the Union* (1885), although not controversial in tone and eminently fair to the pro-slavery as well as the Free-State side, decides against the partisans of Brown and Lane, as does A. T. Andreas, *The History of Kansas* (1883). Two good articles in this field are Walter L. Fleming, "The Buford Expedition to Kansas," in *American Historical Review*, VI., 38 (October, 1900), and Leverett W. Spring, "The Career of a Kansas Politician," in *American Historical Review*, IV., 80 (October, 1898).

SOCIAL CONDITIONS

The observations of foreign travellers in the decade before the Civil War continue to be of value, although to a less degree than at earlier dates. William Chambers, *Things as They Are in America* (1854), is an example of a

highly friendly account; Jean Jacques Ampère, *Promenade en Amérique* (2 vols., 1855), is a more critical work. Others worth consulting are Ferencz and Terezia Pulszky, *White, Red, Black, Sketches of American Society* (2 vols., 1853); Isabella Bird, *The Englishwoman in America* (1856); and Lady E. S. Wortley, *Travels in the United States* (1851). Descriptions of the new fashionable society life are in Nathaniel P. Willis, *Hurrygraphs* (1851); Charles N. Bristed, *The Upper Ten Thousand* (1852); and George William Curtis, *Lotus-Eating* (1852). A highly unfavorable view of the reform movements of the time is in George Lunt, *Radicalism in Philosophy, Religion, and Social Life* (1858). Modern studies of the Maine-law agitation are in Arthur Sherwell and John Rowntree, *The Temperance Problem and Social Reform* (1899); Frederick H. Wines and John Koren, *The Liquor Problem in its Legislative Aspect* (1897); Robert C. Pitman, *Alcohol and the State* (1877), and the *Cyclopedia of Temperance and Prohibition* (1891). The standard work on the woman's rights movement is Elizabeth Cady Stanton, Susan B. Anthony, and Matilda J. Gage, *The History of Woman Suffrage* (4 vols., 1881). The authority upon the spiritualistic craze of the fifties is Frank Podmore, *Modern Spiritualism* (2 vols., 1902).

The general attitude of the north towards slavery is summed up and discussed by Charles E. Merriam, *American Political Theories* (1903). Since no new doctrines were developed by abolitionists during this period, it is not necessary to do more than mention the leading books published by them: William Chambers, *American Slavery and Colour* (1857), and Richard Hildreth, *Despotism in America* (1854). Nehemiah Adams, *A South-side View of Slavery* (1855), won unending notoriety in New England as a defence of the institution. The subject of fugitive slaves and the attitude of the north towards them is shown in William Still, *The Underground Railroad* (1883), and particularly in Wilbur H. Siebert, *The Underground Railroad* (1898), the standard work on the subject. Marion G. McDougall, *Fugitive Slaves* (1891), is a useful summary; and Joel Parker, *Per-*

sonal Liberty Laws (1858), is a contemporary criticism of one aspect of the northern opposition to the fugitive-slave act. Three of the best-known cases of fugitive rescues are treated in Charles E. Stevens, *Anthony Burns, a History* (1856); Jacob R. Shipherd, *History of the Oberlin-Wellington Rescue* (1859); and *The History of the Trial of Castner Hanway for Treason . . . by a Member of the Philadelphia Bar* (1852).

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